By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Louis Holt—to the Committee on Military Affairs.

Also, petition of Thomas E. Goodwin et al., against the anti-pass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Paper to accompany bill for relief of Stacy Moon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Peter Gibbin—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of Marcus Stevens—to the Committee on War Claims.

By Mr. ROBERTS: Petition of Alfred Noon, Eugene T. Endicott, A. C. Douse, and H. B. Hastings, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of international committee of Young Men's Christian Association, New York, that they may be the beneficiaries of any exceptional considerations that may be made in rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Illinois State Medical Society, for passage of bill increasing efficiency of the Army—to the Committee on Military Affairs.

By Mr. ZENOR: Papers to accompany bill (H. R. 20041) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 13, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ISSUE OF NOTES OF SMALL DENOMINATIONS.

Mr. BACON. Mr. President, I submit a memorial from the bankers' associations of Georgia and Florida, in joint session at Atlanta. Before I move its reference I desire to say a word. I ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial.

The Secretary read as follows:

ATLANTA, GA., *June 11, 1906.*

To the UNITED STATES SENATE,
Washington, D. C.:

Whereas there is great necessity for prompt and immediate legislation authorizing a much larger issue of one, two, and five dollar bills than is now in circulation: Therefore, be it

Resolved by the joint session of the Georgia and Florida bankers' associations, That the Senate is hereby earnestly memorialized to pass during its present session House bill No. 13566.

L. P. HILLYER,
Secretary Georgia Bankers' Association.
GEO. R. DESSONSSURE,
Secretary Florida Bankers' Association.

The VICE-PRESIDENT. Is there objection to the Senator from Georgia submitting remarks on the memorial? The Chair hears none.

Mr. BACON. Mr. President, I will occupy a very few minutes.

I desire to state that the memorial grows out of an application which I recently made to the Treasury Department for the furnishing of small bank bills to banks in Southern States. In response to my application to the Treasury Department, I was informed that under the present law it is impossible for the Department to furnish to the country the needed amount of bills in small denominations, the reason being that under the law gold certificates can only be issued in denominations of not less than $20, and national banks are restricted in their issue of bills of the denomination of $5 to one-third of the amount of their issue.

The Department called my attention to the fact that a bill was then pending in the House which removed both the restrictions, which would allow gold certificates to be issued in denominations of ten and five dollars and removing the restriction upon banks in regard to the proportion of five-dollar bills which they were allowed to issue.

The statement was made to me in the Treasury Department that this bill should be passed by Congress—it has since passed the House—and that if it should become a law, by its passage in the Senate and its approval by the President, the supply of notes of ten and five dollars denomination in gold certificates and in national-bank notes would be such that the Department could then cancel the silver certificates of five-dollar denomination and issue one and two dollar silver certificates in their place.

The important fact, Mr. President, which justifies me in calling the attention of the Senate especially to the matter at this time is the statement that even heretofore the need of the country for bills of this denomination during the harvest season has been insufficient; that in the growing and developing business of the country it is found to be quite insufficient at this season of the year, and that unless this relief is given by Congress at this time there will be very great embarrassment during the coming fall when the crops are being moved.

In response to my request, the Assistant Secretary of the Treasury, Mr. Keep, with whom I had the conversation, put what he then had to say in writing, and I ask that the letter which he has written to me on this subject may now be read. I see some members of the Finance Committee present, and I desire to ask their special attention to the letter. I hope that it may be found consistent with their view of the interests of the country to give early consideration to this matter and bring it to the attention of the Senate. The passage of the bill by the House is referred to in the letter.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, June 4, 1906.

MY DEAR SIR: I return you herewith the letter of Mr. L. P. Hillyer, secretary of the Georgia Bankers' Association, and the letter of Mr. Parsons, assistant cashier of the Chemical National Bank of New York, both relating to a scarcity of small bills.

The inability of the Treasury Department to supply the number of small bills needed for the business of the country is most embarrassing at the present time. This is a season of the year when ordinarily we are able to meet all demands for small notes, and in view of our inability to do so now we have reason to anticipate greater difficulties in the fall, when the movement of the crops always increases the demand for small notes.

For six years past the Treasury has been operating under the provisions of the act of March 14, 1900, and during this period the volume of notes of the denomination of $10 and under has been increased by nearly $190,000,000, through a process of redeeming and canceling notes of larger denominations and issuing in their stead smaller ones. In making changes of this character under existing laws, the limit was practically reached at the close of the last fiscal year, and the attention of Congress was invited to this condition in the annual reports of the Secretary of the Treasury and of the Treasurer of the United States. On the 1st of the present month the outstanding notes of the denomination of $20 and over which, when presented for redemption, could be reissued in small denominations was as follows:

United States notes	$62,000,000
Treasury notes of 1890	2,000,000
Silver certificates	14,000,000
Total	78,000,000

These notes come in very slowly, doubtless because they are held in bank reserves and in packages of currency which have remained in bank vaults for a number of years without disturbance.

Under existing law gold certificates can not be issued under the denomination of $20, and, except for the very small amount of free silver dollars in the Treasury, which are being used gradually for the issue of silver certificates of the denominations of one, two, and five dollars, to meet the daily demands of the subtreasury offices and afford some relief to the needs of business, the Treasury is limited, in its daily issue of small notes, to the unfit currency of small denominations which comes in for exchange into new bills. Any bank, sending direct to the Department at Washington notes of small denominations, can obtain new notes of the same kind and denominations as those sent in. This can not always be done at the subtreasuries, as those officers are quite unable to meet the demands made upon them for small notes, and can only pay out new silver certificates to the extent the Department at Washington is able to supply them.

A bill has passed the House of Representatives, and is now pending in the Senate, to permit the issue of gold certificates of the denominations of five and ten dollars, and to remove the present restriction which limits each national bank in the issue of five-dollar national bank notes to one-third of its outstanding circulation. The passage of this bill would enable a considerable quantity of the outstanding five-dollar silver certificates to be converted into ones and twos, and their places to be supplied with gold certificates and national-bank notes.

Should this bill not become a law at the present session, inconvenience will result, but the national banks themselves can relieve the situation to some extent by issuing as large a proportion of their circulation in five-dollar denomination as the existing statute permits. This would so greatly increase the number of five-dollar national-bank notes as to permit the conversion of not less than $50,000,000 of five-dollar silver certificates into ones and twos.

The free shipment of standard silver dollars from the Treasury to banks applying for the same would not remedy the situation in any degree. A particular bank which is able to circulate silver dollars in this locality might thus have its needs supplied, but every silver dollar shipped from the Treasury reduces the number of silver certificates which the Treasury can issue.

Respectfully, yours

C. H. KEEP,
Assistant Secretary.

Hon. A. O. BACON,
United States Senate.

Mr. BACON. I move that the memorial and accompanying papers be referred to the Committee on Finance.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had

agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

S. 4250. An act to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon; and

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. BOUTELL, and Mr. CLARK of Missouri managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. REEDER, and Mr. SMITH of Texas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COUSINS, Mr. CHARLES B. LANDIS, and Mr. FLOOD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 3261. An act granting an increase of pension to Charles B. Towne;

S. 3270. An act granting an increase of pension to William H. Richardson;

S. 3486. An act granting an increase of pension to Edwin D. Wescott;

S. 3487. An act granting an increase of pension to Joseph Fuller;

S. 3553. An act granting an increase of pension to William Oliver;

S. 3629. An act granting an increase of pension to William Hibbs;

S. 3649. An act granting a pension to Sarah Agnes Sullivan;

S. 3684. An act granting an increase of pension to George W. Hyde;

S. 3697. An act granting an increase of pension to Sarah A. Petherbridge;

S. 3728. An act granting an increase of pension to William H. Winans;

S. 3750. An act granting an increase of pension to Wilbur F. Flint;

S. 3814. An act granting an increase of pension to John Giffen;

S. 3818. An act granting an increase of pension to David B. Johnson;

S. 3904. An act granting an increase of pension to George J. Thomas;

S. 4092. An act granting an increase of pension to John Smith;

S. 4133. An act granting an increase of pension to George Brewster;

S. 4171. An act granting an increase of pension to Joseph Bovee;

S. 4173. An act granting an increase of pension to Catharine E. Smith;

S. 4205. An act granting an increase of pension to George Warner;

S. 4346. An act granting an increase of pension to William E. Holloway;

S. 4372. An act granting an increase of pension to Emily P. Hubbard;

S. 4379. An act granting an increase of pension to Roy E. Knight;

S. 4458. An act granting an increase of pension to Andrew P. Quist;

S. 4492. An act granting an increase of pension to George W. Fletcher;

S. 4497. An act granting an increase of pension to Augustus McDowell;

S. 4585. An act granting an increase of pension to Mary A. Counts;

S. 4719. An act granting an increase of pension to John Joines;

S. 4770. An act granting an increase of pension to Edward Hart;

S. 4784. An act granting an increase of pension to Lemuel Cross;

S. 4790. An act granting an increase of pension to Edward W. Smith;

S. 4811. An act granting a pension to Mae Spaulding;

S. 4879. An act granting an increase of pension to Mary E. Baker;

S. 4887. An act granting an increase of pension to Calvin C. Hussey;

S. 4910. An act granting an increase of pension to William Wright;

S. 4937. An act granting an increase of pension to John Reece;

S. 5022. An act granting an increase of pension to Henry S. Olney;

S. 5032. An act granting an increase of pension to Daisy C. Stuyvesant;

S. 5056. An act granting a pension to Alexander Plotts;

S. 5065. An act granting an increase of pension to Charles Jackson;

S. 5085. An act granting an increase of pension to Ellen Donovan;

S. 5143. An act granting an increase of pension to Eugene V. McKnight;

S. 5152. An act granting an increase of pension to Holaway W. Kinney;

S. 5158. An act granting an increase of pension to Andrew J. Fosdick;

S. 5169. An act granting an increase of pension to James A. Price;

S. 5256. An act granting an increase of pension to John Johnson;

S. 5290. An act granting an increase of pension to James Ramsey;

S. 5326. An act granting an increase of pension to Annie A. West;

S. 5340. An act granting an increase of pension to Laura Hentig;

S. 5442. An act granting a pension to Frances E. Taylor;

S. 5501. An act granting an increase of pension to Jacob L. Kline;

S. 5557. An act granting an increase of pension to Henry Clay Sloan;

S. 5559. An act granting an increase of pension to Ann H. Crofton;

S. 5583. An act granting an increase of pension to Foster L. Banister;

S. 5700. An act granting an increase of pension to Stacy B. Warford;

S. 5708. An act granting an increase of pension to Nathalia Boepple;

S. 5728. An act granting an increase of pension to Emery Wyman;

S. 5731. An act granting an increase of pension to James McTwiggan;

S. 5742. An act granting an increase of pension to James A. Bryant;

S. 5758. An act granting an increase of pension to Joshua J. Clark;

S. 5765. An act granting an increase of pension to Theodore F. Montgomery;

S. 5767. An act granting an increase of pension to Thomas D. Welch;

S. 5772. An act granting an increase of pension to Thomas M. Harris;

S. 5775. An act granting an increase of pension to Harvey M. Traver;

S. 5783. An act granting a pension to Florence H. Godfrey;

S. 5784. An act granting an increase of pension to Mahala F. Campbell;

S. 5785. An act granting an increase of pension to Joseph W. Doughty;

S. 5786. An act granting an increase of pension to Mary J. Ivey;

S. 5790. An act granting an increase of pension to Jehial P. Hammond;

S. 5791. An act granting an increase of pension to Margaret Simpson;

S. 5801. An act granting an increase of pension to Andrew Jackson Paris;

S. 5803. An act granting an increase of pension to William H. Meadows;

S. 5808. An act granting an increase of pension to Washington Brockman;

S. 5809. An act granting an increase of pension to Hannah C. Church;

S. 5834. An act granting an increase of pension to Charles F. Sheldon;

S. 5844. An act granting an increase of pension to John Keys;

S. 5855. An act granting an increase of pension to Blanche Badger;

S. 5902. An act granting an increase of pension to George W. Webster;

S. 5928. An act granting an increase of pension to Patrick Gaffney;

S. 5932. An act granting an increase of pension to Elijah R. Merriman;

S. 5948. An act granting an increase of pension to Samuel B. Rice;

S. 5949. An act granting an increase of pension to George F. White;

S. 5966. An act granting an increase of pension to Christopher C. Davis;

S. 5969. An act granting an increase of pension to Franklin Burdick;

S. 6024. An act granting an increase of pension to Franklin B. Beach;

S. 6034. An act granting an increase of pension to William A. Hopper, alias Cuff Watson;

S. 6039. An act granting an increase of pension to George Gardner;

S. 6063. An act granting an increase of pension to Frances A. Sullivan;

S. 6240. An act granting an increase of pension to John G. Fonda;

H. R. 1160. An act granting an increase of pension to Eliza Swords;

H. R. 4478. An act to amend section 64 of the bankruptcy act;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation; and

H. J. Res. 172. Joint resolution to supply a deficiency in an appropriation for the postal service.

MEMORIAL.

Mr. PLATT presented a memorial of Telegram Lodge, No. 144, Switchmen's Union of North America, of Elmira, N. Y., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

THOMAS P. MATTHEWS.

Mr. DANIEL presented sundry papers to accompany the bill (S. 6422) for the relief of the heirs of Thomas P. Matthews; which were referred to the Committee on Claims.

ROLL OF EX-SOLDIERS OF THE CIVIL WAR.

Mr. TELLER. I ask unanimous consent to have certain papers printed in connection with Senate bill 2162. It is a bill providing for the roll of the ex-soldiers of the civil war, and I ask to have the papers printed as a document.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Colorado that the papers submitted by him shall be printed as a document?

Mr. GALLINGER. Did I understand the Senator to say that it is a roll of the soldiers of the civil war recently made up?

Mr. TELLER. No; it contains several different papers, but it is in connection with the bill to establish that roll.

Mr. GALLINGER. Oh! Exactly.

Mr. TELLER. There is nothing objectionable in it. It was handed to me by a very distinguished officer of the United States Army.

Mr. GALLINGER. I assume that there is nothing objectionable in it. I simply wanted to know what it was.

The VICE-PRESIDENT. Without objection, the papers will be printed as a document.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with the following amendments:

In line 6, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In line 13, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In lines 1 and 2, section 1, page 2, strike out the words "having on board any person with yellow fever and;" and the House agree to the same.

In line 4, section 5, page 6, after the word "purposes," insert the words "and the quarantine stations established by authority of this act shall, when so established, be used to prevent the introduction of all quarantinable diseases;" and the House agree to the same.

In lines 10 and 11, section 6, page 6, strike out the words "or any permanent structures or improvements be made or maintained thereon;" and the House agree to the same.

Strike out all of section 7; and the House agree to the same.

In line 10, section 8, page 7, after the word "fever," insert the words "and other quarantinable diseases;" and the House agree to the same.

In line 12, section 8, page 7, after the word "eradicating," strike out the word "it" and insert in lieu thereof the word "them;" and the House agree to the same.

In line 12, section 8, page 7, after the word "should," strike out the word "it" and insert in lieu thereof the word "they;" and the House agree to the same.

In line 13, section 8, page 7, after the word "preventing," strike out the word "its" and insert in lieu thereof the word "their;" and the House agree to the same.

In line 14, section 8, page 7, after the word "destroying," strike out the words "its cause" and insert in lieu thereof the words "their causes;" and the House agree to the same.

JOHN C. SPOONER,
FRANK B. BRANDEGEE,
S. R. MALLORY,
Managers on the part of the Senate.

W. P. HEPBURN,
IRVING P. WANGER,
C. L. BARTLETT,
Managers on the part of the House.

The report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

CITY OF LOS ANGELES, CAL.

Mr. FLINT. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal., to report it favorably with an amendment, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was, to add at the end of the bill the following additional proviso:

And provided further, That in the event that the Secretary of the Interior shall abandon the project known as the "Owens River project," for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, ex-

aminations, and river measurements, not exceeding $14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements and the preference right to acquire at any time within three years from the approval of this act all lands now reserved by the United States under the terms of said act for reservoir or dam sites in connection with said project, upon filing with the register and receiver of the land office in the land district where said reservoir or dam sites are situated a map showing the lands desired to be acquired and upon the payment of $1.25 per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN THOMPSON.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4899) granting an increase of pension to Ann Thompson, to report it favorably with an amendment.

Mr. GALLINGER. That is a bill which was misplaced, and I ask that it be now considered. It was introduced long ago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Thompson, widow of Samuel Thompson, late of Captains Evans and Aiken's companies, New Hampshire Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. LONG.

Mr. McCUMBER. From the Committee on Pensions I report back without amendment the bill (S. 6301) granting an increase of pension to William C. Long.

Mr. LONG. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Long, late of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4880) granting a pension to Emma K. Tourgee; and

A bill (S. 6359) granting an increase of pension to F. D. Garnsey.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5042) granting an increase of pension to Josephine S. Jones;

A bill (S. 5104) granting a pension to Ellen Bernard Lee;

A bill (S. 6367) granting an increase of pension to Joseph Johnston; and

A bill (S. 6381) granting an increase of pension to John McDonough.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4366) granting an increase of pension to Henry B. Willhelmy, reported it without amendment, and submitted a report thereon.

He also (for Mr. SCOTT), from the same committee, to whom was referred the bill (H. R. 1143) granting an increase of pension to Ephraim D. Achey, reported it without amendment, and submitted a report thereon.

He also (for Mr. BURNHAM), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19670) granting a pension to Maria Rogers;

A bill (H. R. 2789) granting an increase of pension to Merrill Johnson; and

A bill (H. R. 2772) granting an increase of pension to Eli Cero.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom was referred the bill (H. R. 15856) granting a pension to Gordon A. Thurber, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 11787) ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905, to report it favorably without amendment, and I submit a report thereon.

Mr. LONG. I ask unanimous consent for the present consideration of the bill.

Mr. MORGAN. I object.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. GEARIN, from the Committee on Claims, to whom was referred the bill (H. R. 3459) for the relief of John W. Williams, reported it without amendment, and submitted a report thereon.

WATER RESERVOIRS AT DURANGO, COLO.

Mr. HANSBROUGH. I am authorized by the Committee on Public Lands, to whom were referred the amendments of the House of Representatives to the bill (S. 2188) granting to the city of Durango in the State of Colorado certain lands therein described for water reservoirs, to report back the bill and amendments and to move that the Senate disagree to the amendments of the House, and request a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. CARTER, Mr. FLINT, and Mr. PATTERSON as the conferees on the part of the Senate.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims of the trustees of the Methodist Episcopal Church of Webster, W. Va. (S. 105); Methodist Episcopal Church South, of St. Albans, W. Va. (S. 106); Presbyterian Church of French Creek, W. Va. (S. 107); Baptist Church of Fayette County, W. Va. (S. 108); Presbyterian Church of Somerset, Ky. (S. 387); First Presbyterian Church of Harrodsburg, Ky. (S. 388); Baptist Church of Princeton, Ky. (S. 390); Downings Methodist Episcopal Church South, of Oak Hall, Va. (S. 718); First Baptist Church, of Mansfield, La. (S. 858); Methodist Episcopal Church South, of Phoenix, Miss. (S. 1005); trustees of Massaponax Baptist Church, of Massaponax, Va. (S. 1190); Grace Episcopal Church, of Berryville, Va. (S. 1192); Board of Commissioners of Judah Touro Almshouse, New Orleans, La. (S. 1219); trustees of the Methodist Episcopal Church South, of Barboursville, W. Va. (S. 1311); trustees of Methodist Episcopal Church South, Charleston, W. Va. (S. 1312); trustees of Methodist Episcopal Church South, of Boothsville, W. Va. (S. 1313); trustees of Zion Protestant Episcopal Church, of Charleston, W. Va. (S. 1314); trustees of the Methodist Episcopal Church, of Bunker Hill, W. Va. (S. 1315); trustees of the Presbyterian Church, of Springfield, W. Va. (S. 1316); trustees of the Methodist Episcopal Church South, of Petersburg, W. Va. (S. 1317); trustees of the Methodist Episcopal Church South, of Flatwoods, W. Va. (S. 1318); Primitive Baptist Church, of Pelham, Tenn. (S. 1383); trustees of Hennegan's Chapel, Methodist Episcopal Church South, Dunlap, Tenn. (S. 1387); trustees of Pleasant Grove Baptist Church, of Ringgold, Ga. (S. 1871); trustees of the African Methodist Episcopal Church, of Washington County, Md. (S. 2118); trustees of the German Reformed Church, of Boonsboro, Md. (S. 2126); vestry of St. Paul's Protestant Episcopal Church, situated near Point of Rocks, Md. (S. 2129); trustees of the Methodist Episcopal Church, of Keyser, formerly New Creek, W. Va. (S. 2231); trustees of the Presbyterian Church, of Franklin, Tenn. (S. 2298); Methodist Protestant Church, Lynchburg, Va. (S. 2361); trustees of Barea Christian Church, of Spottsylvania, Va. (S. 2362); trustees of the Methodist Episcopal Church, of Warrenton, Mo. (S. 2490); trustees of the Christian Church, of Sturgeon, Mo. (S. 2491); trustees of the Christian Church, of Marshall, Mo. (S. 2492); trustees of Trinity Episcopal Church, of Marshall, Va. (S. 2587);

trustees of the Methodist Episcopal Church South, Centerville, Va. (S. 2588); trustees of Forest Hill Methodist Episcopal Church, of Dumfries, Va. (S. 2589); trustees of the Methodist Episcopal Church South, Deep Creek, Va. (S. 2590); trustees of Andrew Chapel, Methodist Episcopal Church South, Fairfax County, Va. (S. 2591); trustees of Lee Chapel, Methodist Episcopal Church South, Fairfax County, Va. (S. 2592); trustees of the Sons of Temperance, Portsmouth, Va. (S. 2593); trustees of the Macedonia Methodist Episcopal Church, of Stafford County, Va. (S. 2594); Society of the United Brethren in Christ, Tyrone, Pa. (S. 2637); trustees of the Christian Church, of Crab Orchard, Ky. (S. 2830); Church of Christ, of La Vergne, Tenn. (S. 2967); wardens and vestry of Grace Church, Charleston, S. C. (S. 3007); Church of the Cross, St. Luke's Parish, Bluffton, S. C. (S. 3008); Trinity Church, on Edisto Island, South Carolina (S. 3009); Church of the Holy Trinity, Grahamville, S. C. (S. 3010); trustees of Enhan Baptist Church, of Grahamville, S. C. (S. 3011); Protestant Episcopal Church of the parish of Charleston, S. C. (S. 3012); Stony Creek Presbyterian Church, McPhersonville, S. C. (S. 3013); trustees of Black Swamp Baptist Church, Robertville, S. C. (S. 3014); French Protestant Church, at Charleston, S. C. (S. 3015); Winyah Lodge, No. 40, Ancient Free and Accepted Masons, South Carolina (S. 3016); wardens and vestry of St. Helena Episcopal Church, of Beaufort, S. C. (S. 3017); trustees of Baptist Church of Beaufort, S. C. (S. 3018); Sheldon Episcopal Church, of Prince William Parish, South Carolina (S. 3021); Methodist Episcopal Church of Bellefonte, Jackson County, Ala. (S. 3066); trustees of Baptist Church, of Harrisonville, Mo. (S. 3304); trustees of the Christian Church, of Harrisonville, Mo. (S. 3305); Presbyterian Church, of Huntsville, Ala.; trustees of the Methodist Church South, of Decatur, Ala.; trustees of Cumberland Presbyterian Church, of Athens, Limestone County, Ala.; trustees of the Cumberland Presbyterian Church, of Larkinsville, Ala.; trustees of Lebanon Methodist Episcopal Church South, near Whitesburg, Madison County, Ala.; trustees of the Cumberland Presbyterian Church, at New Garden Camp Ground, Limestone County, Ala.; trustees of the Cumberland Presbyterian Church, of Pleasant Springs, Ala.; trustees of Missionary Baptist Church, of Gravelly Springs, Ala.; trustees of First Baptist Church, of Decatur, Ala.; trustees of Harmony Methodist Church, of Limestone, Ala.; trustees of the Presbyterian Church of Decatur, Ala.; trustees of the Methodist Episcopal Church South, of Bellefonte, Ala.; trustees of the Cumberland Presbyterian Church, of Bellefonte, Ala.; trustees of the Walnut Grove Cumberland Presbyterian Church, of Madison County, Ala.; trustees of the Chestnut Grove Church, of Morgan County, Ala.; trustees of La Grange College, of Colbert County, Ala.; trustees of North Alabama College, Huntsville, Ala.; Masonic Lodge of Tuscumbia, Colbert County, Ala.; Florence Masonic Lodge, of Florence, Ala.; Bollivar Lodge of Free and Accepted Masons, of Stevenson, Ala.; Decatur Lodge, No. 52, Independent Order of Odd Fellows, of Decatur, Ala. (twenty-one cases) (S. 6393); trustees of the Cumberland Presbyterian Church, of Russellville, Ky. (S. 3440); congregation of the Christian Church of Acworth, Ga. (S. 3560); trustees of the Missionary Baptist Church, of Powder Springs, Ga. (S. 3561); trustees of the Methodist Episcopal Church South, of Powder Springs, Ga. (S. 3562); Corporation of Roman Catholic Clergymen, of Maryland (S. 3661); Cumberland Presbyterian Church, of Granville, Tenn. (S. 3826); trustees of the Methodist Episcopal Church South, of Franklin, Tenn. (S. 3828); Cumberland Presbyterian Church, of Waverly, Tenn. (S. 3962); vestry of the Church of Messiah Protestant Episcopal Church, of St. Marys, Ga. (S. 3976); trustees of the Methodist Episcopal Church South, of Mount Crawford, Va. (S. 4022); trustees of the Downing Methodist Episcopal Church South, of Oak Hall, Accomac County, Va. (S. 4023); trustees of Court Street Baptist Church, of Portsmouth, Va. (S. 4024); trustees of the Union Church, Toms Brook, Va. (S. 4025); First Baptist Church, of Newbern, N. C. (S. 4117); trustees of the Methodist Episcopal Church of Falls Church, Va. (S. 4217); trustees of Langley Methodist Episcopal Church, of Langley, Fairfax County, Va. (S. 4218); Mount Zion Church, of Williamson County, Tenn. (S. 4241); Presbyterian Church of Linnville, Giles County, Tenn. (S. 4242); trustees of the Methodist Episcopal Church South, of Glennville, W. Va. (S. 4380); Boiling Fork Baptist Church, Cowan, Tenn. (S. 4417); Methodist Episcopal Church South, of Beaufort, Carteret County, N. C. (S. 4602); St. Luke's Protestant Episcopal Church, Marianna, Fla. (S. 4662); trustees of the Church of Christ, Bledsoe County, Tenn. (S. 4706); Jerusalem Evangelical Lutheran Church, of Ebenezer, Ga. (S. 4729); Christian Church of Atlanta, Ga. (S. 4920); Roman Catholic Church of Jacksonville, Fla. (S. 4980); trustees of Three Mile Creek Church of Christ, Barnwell County, S. C. (S. 5232); vestry of St. Peter's Church, of New Kent County, Va. (S. 5404); trustees of Fredericksburg Lodge, No. 4, Ancient Free and Accepted Masons (Virginia) (S. 5407); trustees of the Town School House of Onancock, Accomac County, Va. (S. 5408); trustees of Calvary Protestant Episcopal Church, of Front Royal, Va. (S. 5495); vestry of Falls Church, in Falls Church, Va. (S. 5518); trustees of Pisgah Presbyterian Church, of Somerset, Ky. (S. 5568); Mountain Creek Baptist Church, of Hamilton County, Tenn. (S. 5678); Walnut Grove Church, of Gibson County, Tenn. (S. 5712); trustees of the Christian Church of Savannah, Mo. (S. 5714); Hood Swamp Baptist Church and the Union Baptist Association (North Carolina) (S. 5743); Board of Education of Harpers Ferry district, Jefferson County, W. Va. (S. 5819); Cleveland Masonic Lodge, No. 134, Cleveland, Tenn. (S. 5847); trustees of Eudora Baptist Church, of White Station, Tenn. (S. 5849); trustees of Kent Street Presbyterian Church, of Winchester, W. Va. (S. 5894); trustees of Leavenworth Female College, of Petersburg, Va. (S. 5897); trustees of the College of Beaufort, of Beaufort, S. C. (S. 5914); St. Paul Reformed Church, of Woodstock, Va. (S. 5918); St. John's Episcopal Church, of Charleston, W. Va. (S. 6009); trustees of Ebenezer Methodist Episcopal Church South, of Hampton County, S. C. (S. 6072); trustees of the Baptist Church of Hardeeville, S. C. (S. 6073); Madison Female Institute, Richmond, Ky. (S. 6088); trustees of the Methodist Church of Bunker Hill, formerly Mill Creek, W. Va. (S. 6100); trustees of Loudon Street Presbyterian Church, Winchester, Va. (S. 6178); trustees of Mount Crawford (Va.) Methodist Episcopal Church (S. 6179); trustees of the Methodist Episcopal Church South, of Williamsburg, Va. (S. 6180); trustees of the Methodist Episcopal Church of Brighton, S. C. (S. 6212); trustees of Cumberland Presbyterian Church, of Mulberry, Crawford County, Ark. (S. 6282); Shiloh Presbyterian Church, Calhoun, Tenn. (S. 6296); trustees of the Chickamauga Missionary Baptist Church, Hamilton County, Tenn. (S. 6297); trustees of Presbyterian Church, Keyser, formerly New Creek, W. Va. (S. 6316); trustees of the Methodist Episcopal Church South, of Huntsville, Ala. (S. 6345); Methodist Episcopal Church South, of Ringgold, Ga. (S. 6373); Third Presbyterian Church of New Orleans, La. (S. 6392), and Hiwassee Masonic Lodge, No. 188, Calhoun, Tenn. (S. 6400), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. STONE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6449) for the relief of the trustees of the Presbyterian Church of Macon, Mo.; and

A bill (S. 6450) for the relief of the trustees of the Methodist Episcopal Church of Macon, Mo.

Mr. NELSON introduced a bill (S. 6451) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CLAPP introduced a bill (S. 6452) to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," by defining the boundaries of the forest reserve, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GEARIN introduced a bill (S. 6453) to relinquish the interest of the United States to the west half of section 36, township 9 south, range 5 east, Willamette meridian, situate in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced a bill (S. 6454) to correct the military record of Isaac Addis; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MALLORY submitted an amendment proposing to appropriate $3,679.19 to pay the heirs of Joseph Sierra, deceased, late collector of customs at Pensacola, Fla., and proposing to appropriate $900 to pay the heirs of Fernando J. Moreno, deceased, late United States marshal for the southern district of Florida, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON submitted an amendment relative to cadets and officers of the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PANAMA RAILROAD COMPANY, ETC.

Mr. MORGAN submitted the following resolution, which was read:

Resolved by the Senate, That the Committee on Interoceanic Canals is directed to inquire, with all reasonable diligence, and to report by bill or otherwise—

First. Whether it is necessary and is consistent with public policy and proper economy that the business and property of the Panama Railroad should continue to be held or conducted under and in accordance with the charter of the Panama Railroad Company enacted by the legislature of the State of New York, and should remain under the legislative or other control of that State; or whether the control of said railroad and of all property held or controlled in its name, or in connection with it, should be placed under the jurisdiction and control and in the possession of the Isthmian Canal Commission, or other lawful authority in the Panama Canal Zone subject to the authority of Congress.

Second. Whether the Government of the United States should assume the outstanding debts and obligations of the Panama Railroad Company, and what provision should be made for their liquidation or payment.

Third. Whether the Government of the United States has any and what right to stock in the New Panama Canal Company that was issued to the Government of Colombia to the amount of 5,000,000 francs, or to any dividends or payments due on such stock from any funds in the treasury of said canal company.

Fourth. Whether the persons claiming to be members of the board of directors of the Panama Railroad Company hold such places as directors by any lawful tenure or authority; and if they are not so entitled, whether their appointment as such directors should be sanctioned by the approval of Congress.

Mr. MORGAN. Mr. President, I ask for the present consideration of the resolution. It is a mere resolution of inquiry, instructing the committee to make certain inquiries about matters that are very important to be inquired into and acted upon as speedily, I think, as possible.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of the resolution just read. Is there objection?

Mr. HOPKINS. I did not hear the resolution read. I should like to hear it read before consenting to its consideration.

The VICE-PRESIDENT. The Secretary will again read the resolution at the request of the Senator from Illinois.

The Secretary again read the resolution.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Alabama for the present consideration of the resolution?

Mr. HOPKINS. In the absence of the chairman of the committee, I feel like asking to have the resolution go over until to-morrow morning.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

HARRIET P. SANDERS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Harriet P. Sanders, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment and accept the same, and that the bill be amended as follows: In line 6 strike out the word "Hariet" and insert in lieu thereof the word "Harriet."

Amend the title so as to read: "A bill granting a pension to Harriet P. Sanders.

P. J. McCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

SAMUEL W. SMITH,
CHARLES E. FULLER,
JNO. A. KELIHER,
Managers on the part of the House.

The report was agreed to.

REGULATION AND SALE OF SPONGES.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4806, "An act to regulate the landing, delivery, cure, and sale of sponges," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In the second line of the language proposed to be inserted strike out the word "sponge" and insert "sponges taken from said waters," so that the amendment will read:

"*And provided further*, That no sponges taken from said waters shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than four inches in diameter."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 1, line 3, striking out the words "the passage of this act," and inserting "May first, anno Domini, nineteen hundred and seven;" and agree to the same.

S. M. CULLOM,
H. C. LODGE,
A. O. BACON,
Managers on the part of the Senate.

E. H. HINSHAW,
THOS. SPIGHT,
Managers on the part of the House.

The report was agreed to.

ENTRY OF LANDS UNDER RECLAMATION ACT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ANKENY. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. ANKENY, Mr. CARTER, and Mr. DUBOIS as the conferees on the part of the Senate.

ADDITIONAL COLLECTION DISTRICT IN TEXAS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. Mr. President, I move that the Senate insist upon its amendments disagreed to by the House of Representatives, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. ELKINS, Mr. HOPKINS, and Mr. CLAY as the conferees on the part of the Senate.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. KNOX. I ask the Senate to proceed to the consideration of House bill 14396.

The VICE-PRESIDENT. Under the unanimous-consent agreement the bill is in order, and the Chair lays it before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The VICE-PRESIDENT. The first amendment reported by the Committee on Commerce will be stated.

The first amendment reported by the Committee on Commerce was, on page 2, section 1, line 2, after the word "seal," to strike out "receive and acquire, by purchase or otherwise, real and personal property and rights of property, and may hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey the same, and generally have and exercise all the powers usually granted to and vested in corporations of the United States of America, and especially full powers to carry out the purposes of this act" and to insert:

And the said corporation shall have and possess full power and authority to construct, equip, maintain, and operate the canals with appurtenances hereinafter described, and with power to take, receive, acquire, purchase, hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey all such real and personal property and rights of property as may be requisite and needed in and about the construction, equipment, maintenance, and operation of said canals or anything appertaining thereto. Said corporation is hereby vested with full and complete power to pledge, encumber, and mortgage any or all of its property and franchises for the purpose of raising, obtaining, and securing such funds or moneys as may be needed for the construction, equipment, maintenance, and operation of said canals or anything appertaining thereto. Said corporation is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BACON. Is that the first amendment, Mr. President?

The VICE-PRESIDENT. It is the first amendment.

Mr. CULBERSON. Mr. President, just for a moment; by the courtesy of the Senator from Georgia [Mr. BACON], I suggest to the Senator from Pennsylvania [Mr. KNOX] that the last three lines of this amendment seem to me to be entirely too broad.

Mr. PENROSE. Mr. President, I hope we may have order. We can not hear what the Senator from Texas is saying on this side of the Chamber.

The VICE-PRESIDENT. The Senator from Texas will suspend until the Senate is in order. [A pause.] The Senator from Texas.

Mr. CULBERSON. I was suggesting to the Senator from Pennsylvania [Mr. KNOX], who has this bill in charge, that the last three lines of the committee amendment on page 2, lines 23, 24, and 25, it seems to me, ought to be stricken out, because the objects of the corporation and the purposes for which the corporation is to be created are fully stated in the bill. Then to declare generally that, in addition to the specific purposes for which it is created, it "is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act" is entirely too broad and liberal a provision to be inserted in an act for the creation of a corporation of this character. I simply call the attention of the Senator in charge of the bill to it, to see if he does not agree with that suggestion, and to see if it can not be remedied to that extent without debate.

Mr. KNOX. Mr. President, in response to the suggestion of the Senator from Texas [Mr. CULBERSON], I will take this opportunity of saying that, while I called this bill up, I am not in charge of the bill in the sense that I have any control over it. I am not a member of the committee which reported the bill. The bill was reported by the senior Senator from Minnesota [Mr. NELSON], who, on account of engagements, asked me to

call it up and present it to the Senate. Therefore I am in no position authoritatively to commit the committee, but I have no objection whatever to answering the question, so far as I am personally concerned.

While the provision to which the Senator from Texas refers is not unusual and must be construed in the light of specific provisions contained in the bill, personally I see no objection to striking it out, because I do not think it either expands or limits—certainly it does not limit or expand the power that is being specifically conferred.

Mr. NELSON. Mr. President, I was interrupted by the conversation around me and did not catch the suggestion or criticism made by the Senator from Texas, and I should be glad to have him state it again.

Mr. CULBERSON. The suggestion, Mr. President, was simply that the specific purposes for which the corporation is to be created are fully stated in the bill, and that I see no reason to complicate the matter by adding a general declaration that the corporation shall have all other powers necessary to carry out the purposes of the corporation, because, in my judgment, differing from the Senator from Pennsylvania [Mr. KNOX], I believe the effect would be to enlarge rather than limit the purposes of the corporation to those expressly given.

Mr. NELSON. What are the particular words in the bill to which the Senator objects?

Mr. CULBERSON. The last sentence at the bottom of page 2.

Mr. NELSON. Mr. President, I do not think those words are material. They do not enlarge the scope of the bill; and as the Senator objects to them, I shall make no objection to striking those words out, for I do not think that would militate against the main object of the bill.

The VICE-PRESIDENT. The amendment suggested by the Senator from Texas [Mr. CULBERSON] to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the committee amendment on page 2, section 1, line 23, after the word "thereto," by striking out:

Said corporation is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. Without objection, the amendment as amended will be considered as agreed to.

Mr. BACON. I hope that will not be done.

The VICE-PRESIDENT. Then the question will be on agreeing to the committee amendment as amended.

Mr. TELLER. Mr. President, yesterday I hastily made some objections to this bill. I had not then read it; but since then I have read it, and I find that the committee which has had the bill in charge has endeavored to remove some of the objections that certainly existed against it as it came from the other House.

I object to the bill, Mr. President, on general principles. I do not believe that there is any necessity in this case why the Government of the United States should attempt to give a charter to this canal company. I am not going to deny that there can be a case suggested in which the General Government might issue such a charter. It is possible for the Government to do so for certain purposes, but there is no necessity for it in this case.

I suppose this bill will become a law, and I do not know but the bill is as well guarded as it is possible to guard a bill of this character. I understand that section 9 is to be amended, or was amended, perhaps, yesterday before my attention was called to it and I raised an objection to it.

Mr. NELSON. I will say to the Senator from Colorado, if he will allow me to interrupt him——

Mr. TELLER. Certainly.

Mr. NELSON. That at the proper time I shall move an amendment to meet the objection which was raised by the Senator from Texas [Mr. CULBERSON] to section 9.

Mr. TELLER. It would perhaps be a good deal easier to determine what my objection to this bill is if I knew what the amendment intended to be proposed by the Senator from Minnesota would be. Will the Senator offer his amendment now?

Mr. NELSON. I will do so as soon as we reach that point. It would be a little out of order now. I will state, however, that my amendment will be, when we reach that section, after the word "regulate," in line 13, on page 6, to insert the words "as to interstate and foreign commerce;" so that it will read:

Congress hereby reserves the right to regulate, as to interstate and foreign commerce, the tolls, fares, and rates to be charged by said company for the use of said canals.

That limits it distinctly to interstate and foreign commerce. I propose to amend, also, after the word "all," in line 15, by inserting the words "interstate and foreign;" so as to read:

And the said company and the said canals and all interstate and foreign transportation thereon shall be subject to all the provisions of an act entitled "An act to regulate commerce," etc.

That limits that paragraph strictly to interstate and foreign commerce, and leaves the States with full power to regulate as to local traffic.

Mr. TELLER. Mr. President, that removes one objection which I had to the bill. When I came into the Senate Chamber yesterday afternoon the Senator from Pennsylvania [Mr. KNOX] was just closing his remarks on the bill, and the Senator from Texas [Mr. CULBERSON] was asking him some questions. I repeat, the amendment suggested by the Senator from Minnesota removes that objection.

I should like to ask the Senator who has the bill more particularly in his charge, and who is informed as to the character of changes from the House bill, whether under this bill the State of Ohio and the State of Pennsylvania will be authorized to tax this property as property, or whether it will be held to be property that is not to be taxed?

Mr. NELSON. I think there is nothing in the bill that would prevent that. That is my understanding.

I will say to the Senator from Colorado that he probably has observed that the committee carefully considered the bill and reported amendments to keep the bill within proper bounds, so as to safeguard the rights of the States in every particular as far as was necessary; and I think the Senator will discover as we proceed with the consideration of the committee amendments that we have amply protected the States in that respect.

Mr. TELLER. Mr. President, that is a matter which, I suppose, the Representatives of the States of Pennsylvania and Ohio ought to have more concern about than I, except that I do not wish to have the precedent established that the Government can charter a canal, a railroad, or any other means of transportation, and relieve it from State taxation and State control so far as interstate commerce is concerned.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. Certainly.

Mr. KNOX. I merely wish to ask the Senator from Colorado if he has observed the provision in the twenty-second section, on the last page of the bill?

Mr. TELLER. Yes; I have observed that. I will simply say, however, that if I had drawn that provision I should have drawn it a little more positively, and provided that the States reserve the right to tax even against the Government of the United States.

Mr. PENROSE. Mr. President, I will state, for the information of the Senator from Colorado, that, in the opinion of the committee and of the gentlemen making application for this legislation, there is nothing to prevent either the State of Ohio or the State of Pennsylvania from taxing the franchises and property of this corporation and exercising all the sovereign prerogatives of sovereign States in connection therewith.

Mr. TELLER. Mr. President, I do not myself believe that Congress can charter a corporation of this kind and exempt its property from taxation. There is—I can hardly call it dicta—an expression by the Supreme Court which would seem to sustain that view as to what it could do in a certain case. I will admit that the General Government can exempt certain things from taxation—the property of the United States, for instance—and I do not know but Congress could, in certain cases, organize a company to perform some services for the Government direct, where it might possibly exempt it from taxation, but I deny that it can properly do it in a case of this kind.

I want to deny the right of the General Government at any time to create a mere commercial agency for the transportation of property under the interstate-commerce provision or any other provision of the Constitution and exempt it from taxation.

Mr. SPOONER. Does the Senator think the States could tax the franchise of a corporation created by the General Government to operate a canal as contradistinguished from its physical property?

Mr. TELLER. Mr. President, that is not a question that I care to enter upon just now.

Mr. BACON. I will state to the Senator that the Supreme Court of the United States have decided explicitly that they can not tax it.

Mr. TELLER. That is not the question I was discussing. There is a very great difference between taxing the franchise and taxing the property.

Mr. SPOONER. I had reference to the statement of the senior Senator from Pennsylvania as to what his opinion was.

Mr. TELLER. Mr. President, if this were an original question, I would say to the Senator from Wisconsin, if I had been authorized to determine that question, that I should not hesitate to say when the Government of the United States created an organization they could tax that organization in any way they saw fit if they were not prohibited from doing so by the rights of the States. If it were a pure corporation in the District of Columbia, I think they might and ought to tax its franchise. I think a State ought to be allowed to impose a franchise tax if it sees fit.

But I am not raising that question. I believe when this bill is properly construed the property of the canal corporation will be subject to taxation by the State of Pennsylvania as to such parts as are within Pennsylvania, and by the State of Ohio as to such parts as are within that State. If the Government has any right to charter this corporation at all, it is because it is in the interest of the promotion of interstate commerce. That I am not going to deny. But I think in this case they have gone further. This proposed canal will go from one State into another——

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. Yes; I do.

Mr. NELSON. The proposed canal is to connect the waters of the Ohio with Lake Erie. When that connection is made, boats can pass from Duluth, Minn., through Lake Superior, clear down into the Ohio River. It perfects and completes an interstate water course extending from the headwaters of Lake Superior clear to the Gulf of Mexico. If it were only to connect the waters of the State of Ohio with the waters of the State of Pennsylvania, it would be a small matter, but it affects more than twenty-five different States and the commerce of more than twenty-five States.

Mr. TELLER. Mr. President, I fully understand that; but the principle is the same whether it connects the waters of one State with another State or with the waters of several other States. I am not questioning the right of the Government of the United States to charter an agency of interstate commerce, but I do question whether this bill does not go beyond that when it provides for lateral branches in the State of Ohio.

The proposed canal, I think, is an important canal, and I am not going to contend that it is not. It is one that I will be glad to see built, if it is built in a proper manner and under proper restrictions. I do not think, however, that that is the place to connect the Great Lakes with the canal. I think the canal should commence in the neighborhood of the city of Chicago and extend down to the Illinois River, thence flowing into the Mississippi River, and so to the Gulf. Some day I hope that may be done, though it will require, undoubtedly, the assistance of the General Government.

All I want is to have it established, if I can, that this bill is not to create a precedent that will enable some one to turn up here some day and say, "You did this in the case of the Lake Erie and Ohio River ship canal, and thereby have established a precedent by which the Government will practically take control of the commerce of the States by corporations of its creation."

So far as my political feelings and my ideas about these matters have always gone, I am a nationalist in the broadest sense of the term. I believe in the National Government. I believe that every function that can be discharged by the National Government should be discharged in the fullest possible manner, where there is not any limitation or restriction upon it; but when it comes to questions of this kind, then I believe the States are, in the first instance, supreme, and that the great business of this country must be done under the control and direction of the States and not under the nation.

The Government of the United States was given power to regulate commerce not simply between the people of two neighboring States, but between all the States, and between all the States and foreign countries. I believe that the people of the States of Washington, Oregon, Nevada, and the west coast are, as I believe the people of New England are, better acquainted with their needs and wants and better prepared to discharge their duties in respect to those needs and wants than are the whole people of the United States. I want simply to maintain the relation that has always existed heretofore between the States and the General Government. That is all. I want to enter a protest, so far as anything in this bill will mean more than that.

There are some things in the bill which, if I had an opportunity, I could have tried to have eliminated. For instance, I notice a provision that has been put in the bill since it came to the Senate that no water can be taken from the Niagara River. We have had before us a bill to prevent citizens of the State of New York from taking water out of the Niagara River at Niagara Falls. Just so far as the taking of the water out of the Niagara River may interfere with navigation, the Government of the United States has a voice in the matter, but absolutely none otherwise. The Niagara River is not, except in one part of it, a navigable river, and water may be taken out of it without interfering with navigation. This proposed canal company ought to have the right, if they can do it without interfering with navigation, to take water out of that river; and the Government of the United States has neither the right nor the power, in my judgment, to interdict such action unless it would interfere with the navigable character of that stream.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly.

Mr. MONEY. I simply want to remind the Senator from Colorado that the Niagara River is a boundary stream, and the question of water flow must be settled by treaty arrangement with Great Britain.

Mr. TELLER. I do not care to go into that discussion, except to say that by international law we are allowed to exercise all the powers over our part of the stream we would have if the whole stream were in the United States. We can take water out of it or we can sail on it if we choose. That matter, Mr. President, has been settled by a great many controversies, and there is ample authority for that statement. If the Senator will look at the opinion rendered some years ago by Mr. Harmon, the Attorney-General, he will find a very exhaustive exposition as to the rights of border countries on the rivers which separate them.

Mr. MONEY. Mr. President, if the Senator will permit me to interrupt him again—I have no desire to interfere with him—this matter is now before the Senate in a report from the Committee on Foreign Relations and a proposed treaty with Great Britain which undertakes to settle the question. That treaty is now on the Executive Calendar of the Senate and will settle that whole question. The report refers to all the authorities which the Senator has cited and with which he is very familiar.

Mr. TELLER. Mr. President, I am quite aware of that. I am quite aware that there is a treaty here pending. I have not had time to give it close examination, but I am free to say, from what I know of it, that it is a treaty that never ought to have been negotiated and never ought to be ratified by the United States Government. I will say that if it is in the open Senate. We are called upon in that treaty to make concessions that the law of nations does not require us to make. However, that has nothing to do with this question.

Mr. President, I do not wish to be considered as an opponent of this or any other canal. I would like to see the Government of the United States build a ship canal from the Lakes to the Gulf of Mexico; and some day I have no doubt that will be done. I would like to see the Government do many things in that line in the interest of commerce, which it is not likely to do, but which it has the power to do. If the proposition were to have the Government itself build this canal in the interest of commerce, I should not particularly object, and I do not now object, except that I do not think the bill is as properly guarded as it might be. While it probably is my duty, if I do not like a bill, to try to have it amended, just now in the condition the Senate is in, in the last hours of the session, as it were, with everything pressing upon us, there is no one, unless it is somebody directly interested in the bill, who can spare the time to attempt to make it such a bill as it ought to be.

Mr. ELKINS. Mr. President, as a member of the Committee on Commerce, I am somewhat familiar with the provisions of this bill. I think the matter was fully considered, every possible objection weighed, and the rights and interests of the States as well as those of private citizens properly guarded. I think, Mr. President, it is a fortunate circumstance that we have found capital enough in the United States to build this canal without asking the United States to build it. It has long been in the public mind. For fifty years the question of the building of a canal to connect Lake Erie with the Ohio River has been agitated. The question has always been, Would the Government father such a scheme or enterprise owing to its national importance?

Mr. President, the greatest freight-producing river in the United States and perhaps in the world is the Ohio River. There is a billion dollars' worth of commerce on the Ohio River,

and if this canal is constructed, as I think and hope it will be, vessels from Duluth and from all the Lake points can find an outlet through the Ohio River, down the Mississippi River, with the products of the States on the Lakes——

Mr. PENROSE. And from New England.

Mr. ELKINS. And from New England, as well as twenty-five States of the Union, not to speak of products that may be destined to the Orient, and find all water transportation, instead of part rail and part water.

Mr. President, this enterprise affects most beneficially and immediately the States of West Virginia and Pennsylvania. Take the State of West Virginia. The Government has improved the Monongahela River, the Ohio River, the Little Kanawha, the Big Kanawha, and the Big Sandy. There are four rivers in the State of West Virginia, improved by the Government, which empty into the Ohio River. All those important waterways carry coal. Coal can be loaded in vessels carrying 600 to 1,500 tons and reach all the Lake ports, both in this country and Canada, and thus afford an outlet at a rate for transportation possibly one-half of what the railroads charge. Besides that, the products of West Virginia and Pennsylvania will be able not only to reach Duluth, but all intermediate points and Chicago by water all the way, and by using the Erie Canal can get to New York City and to New England ports, to which transportation now by rail is very high.

I know of no enterprise that would have such an important beneficial effect on the development of the interior commerce of Ohio, Pennsylvania, and West Virginia as the building of this canal, and all without a dollar's expense to the United States.

As I said before, every interest is guarded and protected by this bill. Not only did the House pass upon it first, but amendments that were suggested in the Senate Committee on Commerce and made by the committee were submitted to the War Department and have the approval of the Department. I think everything has been done that possibly could be done in the way of safeguarding private and public interests. As I said, I know of no enterprise which would have the far-reaching effect that the building of this canal will have, and I hope to see the bill pass substantially as it came from the committee, where it had the most careful consideration. In my opinion, the business on these waterways in the long future, I will not say immediately, will be increased 50 per cent, and it will be done at a cost which railroads can not haul the products. The effect upon Ohio River and Mississippi River States will be magical. There is nothing in the history of the development of the country to compare with the building of this canal, and I hope to see the bill pass substantially as it has been reported to the Senate.

Mr. BACON. Mr. President, it is not very pleasant to antagonize a measure in the passage of which Senators have a deep interest, and nothing would induce me to do so in this instance but the conviction, and the very firm conviction, that this is an improper piece of legislation. If I were sure that the bill would pass, I would still feel it my duty to state some of the reasons at least why I can not give it my support.

Everything which is said with reference to the magnitude of this work and its importance I will freely grant, and for the purpose of the objection I may have, it may be fully conceded. My objection is to the work being authorized by an incorporation of the United States, a charter granted by the Government of the United States. It is not in my opinion a proper enterprise for the Government of the United States considered by itself, and considered as to the precedent which will be established, and as to the wide departure upon which we will thus enter, I think it is very much more objectionable than simply when considered as an isolated piece of legislation.

I know, Mr. President, that it is now the vogue to look askance at any suggestion that there is any function which the Federal Government should not perform, and to look with still more disfavor upon the suggestion that there is any remaining function which ought to belong to a State and to be exercised solely by a State, and upon the exercise of which the Federal Government should not intrude. And yet we are here as representatives of States, and we of all officials in the Government of the United States ought to be jealous that the functions which do properly belong to a State should be exercised by a State and not be usurped or exercised by the General Government.

Of course, Mr. President, there are certain claims which have been made in times past as to where that line of demarcation between the Federal function and the State function, or Federal power and State power begins or ends—questions raised in the past which are new settled definitely and finally, and the questions thus formerly involved are forever outside of the domain of dispute or discussion. But there are still important matters in which that line of distinction should be regarded by all of the Government, some matters in which the functions of the States are to be guarded, and especially by us, as the representatives of States.

The dual capacity of this Government is its most distinctive and its most valuable feature, and the larger the country grows and the more numerous the States, the more important becomes the preservation of that feature, because where the General Government legislates, it legislates for the entire country, and legislation which may suit one part of the country does not always suit another, and for that reason, and out of it, grows the great demand and necessity and importance of local government for local affairs and the great importance that the Federal Government shall confine itself to the functions, the necessity for which called it into being.

It is manifest that there is an increasing tendency and practice to devolve in great degree upon the Federal Government the functions which have heretofore been exercised by the States. There is scarcely a public need but that to satisfy it in some shape recourse is had to Congressional or Executive action. Conceding that much of this encroachment is due to the increasing business of the country and the increasing intimacy of the business relations between the people of the different States, and can not be avoided, the fact of such tendency in cases which can not well be resisted makes it all the more important that the legitimate functions of the States should not be invaded or infringed upon in cases where no public interest requires that Congress should do so.

Mr. President, it is a well-recognized rule, one we apparently forget, but none the less fully established by the decisions of the courts, that the Federal Government has no right or authority to grant a charter of incorporation except for the performance of some governmental function. Of course I can not to-day enter into an elaborate argument on this question, and I do not propose to attempt to do so. I am very sorry, indeed, that this bill comes up at the stage of the session spoken of by the Senator from Colorado [Mr. TELLER], when the Senate would be impatient at anything like an extended argument upon these special questions, great and fundamental as they are, and I do no more than to allude to them.

I recognize the fact, Mr. President, that perhaps this particular bill might be held by the courts to be constitutional, but that is not the sole question which should control us. When we as lawmakers come to make a law, we are to be controlled by the larger consideration than what the courts will hold. We are to be controlled by what we deem to be the intent and purpose of the Constitution in conferring upon us all power of legislation.

On this particular question, to omit anything which may be more general, and coming down to the specific question here, of course I recognize that there are agencies of interstate commerce which it is proper that Congress should inaugurate and should charter, if you please. I recognize further that there is a general principle upon which the courts might hold an incorporation to be a constitutional act, which at the same time would not be a legitimate and proper and constitutional exercise of our functions on our part; and I illustrate by this particular case.

There is no doubt that where the object of an incorporation is primarily and truthfully to subserve a great governmental function, that the act is not only one which the courts will hold to be constitutional, but a law in the passage of which we will have discharged our duty and will have in no manner contravened the spirit and design of the Constitution. I recognize, further, that an act of incorporation may be passed and words included in it, as in this act, relative to the carriage of troops and the carriage of the mails, etc., which courts could not dispute or call in question as to the sincerity of Congress in the use thereof, and on account of which words the courts would hold it was a legitimate and constitutional act; but in such case, if the words are inserted for the purpose of giving jurisdiction for such legislation, and such expressed purpose is not the purpose, and where there is no Federal public function to be performed calling for such incorporation, we have transcended our duty when we take advantage of such phraseology for the purpose of placing an improper enactment beyond the condemnation of the courts.

Mr. President, the line is drawn somewhere in the enactment of charters between those which are legitimately for the purpose of enabling the Government to perform some governmental function and the other class which are not for the purpose of the performance of any governmental function, where the line is so indistinct that courts can not assume to draw the distinction, but must depend on the recitations in the act, and where it must be left to our conscience as to whether we will place the proposed legislation on the one side or the other. That proposition was recognized by Mr. Webster in the argument which he made before the Supreme Court in the great case of Gibbons *v.* Ogden. Senators are all familiar doubtless with that leading

case, and know the fact that it grew out of the attempt of the State of New York to license all steamboats which did business in the waters of New York. It was given as a monopoly to Livingston and Fulton and their assigns. Ogden was their assignee. Gibbons, owning a steamboat in New Jersey, attempted to do business between the town of Elizabeth, in New Jersey, and the city of New York, and an injunction, under the laws of New York, was applied for to restrain the owner of that boat from doing business between those two points in the absence of a license from the assignee under the law of New York.

That injunction was granted in New York and sustained by the highest court there, and came to the Supreme Court of the United States on an appeal from the judgment of the highest court of New York. The State of New York or those representing the law of New York in that particular case, the appellees, attempted to maintain the authority of the State of New York to impose this license upon the proposition that there was a concurrent authority between the States and the United States in the regulation of interstate commerce. When that proposition was controverted by Mr. Webster, the conclusion to be drawn from that position of Mr. Webster was suggested by counsel for the appellees, that if there was not a concurrent power in a State and in the United States Government, necessarily not only as to that important matter of interstate commerce, but as to all the agencies of interstate commerce (which would include every common carrier engaged in interstate commerce), there was an exclusive power in the General Government and none in the State, and the wide-reaching consequences of such conclusion were urged against it. To that Mr. Webster made this reply, and it was for the purpose of reading it that I have made this somewhat extended statement.

Mr. Webster took the position that it was necessarily a question to be determined by Congress as to what were matters of such gravity and so essential concerning the governmental function as would authorize the power to be exercised by Congress, and what were matters not of such an essentially governmental nature as would leave them without that particular class. Mr. Webster used this language:

> Now, what was the inevitable consequence of this mode of reasoning?—

Replying to the suggestion I have just repeated—

> Does it not admit the power of Congress at once, upon all these minor objects of legislation? If all these be regulations of commerce, within the meaning of the Constitution, then, certainly, Congress having a concurrent power to regulate commerce, may establish ferries, turnpikes, bridges, etc., and provide for all this detail of interior legislation. To sustain the interference of the State, in a high concern of maritime commerce, the argument adopts a principle which acknowledges the right of Congress over a vast scope of internal legislation, which no one has heretofore supposed to be within its powers.

And going on:

> But this is not all; for it is admitted that when Congress and the States have power to legislate over the same subject, the power of Congress, when exercised, controls or extinguishes the State power, and therefore the consequence would seem to follow from the argument that all State legislation over such subjects as have been mentioned is at all times liable to the superior power of Congress, a consequence which no one would admit for a moment.
>
> The truth was, he thought—

The report giving Mr. Webster's argument in the third person—

> The truth was, he thought that all these things were, in their general character, rather regulations of police than of commerce, in the constitutional understanding of that term. A road, indeed, might be a matter of great commercial concern. In many cases it is so, and when it is so, he thought there was no doubt of the power of Congress to make it.
>
> But, generally speaking, roads and bridges and ferries, though, of course, they affect commerce and intercourse, do not obtain that importance and elevation as to be deemed *commercial regulations*.

This sentence which follows is the particular point I have in mind in reading this extract:

> A reasonable construction must be given to the Constitution, and such construction is as necessary to the just power of the States as to the authority of Congress.

Mr. President, without elaborating that, the proposition upon which I rest my opposition to this bill, so far as this part of it is concerned, is that this enterprise is not for the purpose of carrying out any great governmental function, unless Senators are prepared to take the position that in every case where the agency proposed to be incorporated can be used in interstate commerce, Congress can be legitimately called upon to incorporate it for the purpose of carrying on commerce.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. PENROSE. The Senator says this is not carrying out a governmental function. I would remind the Senator that many hundred million dollars have been spent in the improvement of the rivers referred to by the Senator from West Virginia—the Ohio and the Mississippi—to secure inland water transportation, and the incorporation of this company, that this vast expenditure may be added to by private enterprise, certainly may be considered to be in the line of that governmental policy and that governmental function. It is certainly a laudable governmental function which permits the private individual to contribute and does not make application to the Treasury of the United States for the canal.

I simply submit to the Senator whether this is not a part of a governmental function which is established in the United States, once opposed as unconstitutional and beyond the constitutional limits of the Government, but now established—the improvement of the internal waterways of the country.

Mr. BACON. In reply to the Senator, while of course to follow his suggestion might involve a much more extended argument than I would now like to impose upon the Senate, I will simply say this: It is a very great mistake, in the definition of what may be considered a governmental function, to make such an application of it as the Senator now proposes. If what he says is correct, then let me say that the harbor of New York has had a good deal of money spent upon it to make it the great harbor it is, and if the application now suggested by the Senator is a correct one, it might equally be applied to every steamboat that goes to the city of New York, plying between the city of New York and any other port in the United States. It might be said that any line of boats that comes into any port of the United States upon which the Government has made improvements has thereby become so identified with the performance of a governmental function that the company owning it should receive a charter at the hands of Congress.

Now, what I was saying at the time I had the interruption from the learned Senator is this: If this is to be recognized as a proper thing to do, if every agency engaged in interstate commerce is in the performance of a governmental function such as is suggested, then the time is to come when every enterprise of any kind engaged in interstate commerce will apply to Congress for a charter.

I should like to be told, Mr. President, what argument can be advanced with respect to a canal which goes from one State into another, which thereby asserts that such canal becomes an agency of interstate commerce, and that the company constructing it should for that reason be the recipient of a charter at the hands of Congress, which will not apply with equal force to a railroad running from one State into another.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. With pleasure.

Mr. PENROSE. I will answer the Senator. It is a part of an enormous system of slack-water navigation which the Government is now developing at the expense of the Government. This is an important connecting link, to be built by private enterprise, and the opinion of almost every one who has studied the question is that the work should be done under the control of the United States, that it should be subject to its inspection and regulation, and ultimately will come within the control and possession of the Government.

Mr. BACON. I do not understand that that is any reply to what I was saying. The Senator says the opinion is it should be so. I am trying to show that such an opinion is not a correct opinion.

Mr. President, if the link between the two waterways of which the Senator speaks was a railroad link, would it not have an equal right to claim that it should be chartered by the Government?

Mr. SPOONER. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. With pleasure.

Mr. SPOONER. Is the Senator denying the power of Congress to incorporate a railway company to construct a railroad from one State to another, or across the continent, if you please?

Mr. BACON. No; I am not denying that. I am not denying the general proposition that Congress has a right——

Mr. SPOONER. How would the Senator justify that? Under what part or clause of the Constitution would he justify it?

Mr. BACON. The Senator did not give me his entire attention in the remarks which I submitted in the beginning, but I will take pleasure in repeating my statement.

Mr. SPOONER. I always listen to the Senator when I am permitted to.

Mr. BACON. I recognize the fact that it is sometimes very difficult in this Chamber.

I had said, Mr. President, that I recognize that there are a

great many charters which might be granted by Congress which would be upheld by the courts as constitutional, but which would not be charters which we in the performance of our constitutional duty could properly grant. I illustrated it by the statement that wherever there was the performance of a governmental function, it made the action of Congress constitutional in granting the charter, not only as to railroads, but as to any other corporation; that the courts could not look behind the language used to see whether or not the use of such language was in fact the desire on the part of Congress to secure the performance of a governmental function which induced the passage of such a law, or whether the use of such language was merely a makeweight, as it were, a device by which freedom from condemnation by the courts on account of unconstitutionality was to be secured; but that the high duty was upon us when we came to legislate to see to it not only that under the language used in a law it would be held to be constitutional by the courts, but that according to the spirit and intent of the Constitution it is under the facts and the real purpose, such a corporation as is designed by the Constitution to be made by the Congress; whether in deed and in truth the object is to secure the performance of a great governmental function, or whether the object is otherwise, and that the complexion of governmental function given to it is in truth simply to insure its freedom from condemnation by the courts.

I had gone on to speak of the fact that while there was the general recognition of the power of Congress to charter corporations for great governmental interests, corporations, if you please, where that principal interest might have as one of its features interstate commerce, it was the duty of Congress to draw the line between those things which were legitimately of that class and other things which had a primary object of another character, where there was no governmental function the performance of which made the creation of that corporation essential.

The illustration of the Pacific railroads is a common one. I will read in the hearing of the Senator what I intended to read a little later, the statement of the Supreme Court of the United States, in 91 United States, as to the character of the corporation and the conditions and the purposes which justified the Congress in doing that which it is not usual for Congress to do, to wit, charter a railroad company. I am reading from page 88, 91 United States, the decision of the court:

The act—

Speaking there of the Union Pacific Railroad act, in the case of the United States *v.* The Union Pacific Railroad Company—

> The act, as has been stated, was passed in the midst of war, when the means for national defense were deemed inadequate and the public mind was alive to the necessity of uniting by iron bands the destiny of the Pacific and Atlantic States.
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> * * * * * * *
>
> But vast as was the work, limited as were the private resources to build it, the growing wants, as well as the existing and future military necessities of the country, demanded that it be completed. Under the stimulus of these considerations Congress acted, not for the benefit of private persons, nor in their interest, but for an object deemed essential to the security as well as to the prosperity of the nation. (U. S. *v.* Union Pacific R. R. Co., 91 U. S. Reports, p. 88.)

I read further from the argument of Mr. Webster in the case of Gibbons *v.* Ogden. Mr. Webster, of course, was not delivering an opinion, but he was "the great expounder," and his utterances are entitled to great weight. There Mr. Webster recognized the necessity of drawing the distinction between the functions which should be recognized as national functions and those which should not be recognized as national functions, even though they were within the same subject-matter. In that case, when counsel representing the appellee, those representing the validity of the act of the State of New York, tried to make application of the argument to show that if what Mr. Webster contended for was true then the governmental function would extend to and relate to and include every agency of interstate commerce, Mr. Webster drew the distinction. He said that such a thing was not to be thought of; that the law must be construed with reference to the proper consideration of the States and also with reference to the needs and necessities of the Government, and should not include matters where the public interest was not the main design, but where the private interest was, in fact, the motive which led to the proposed action on the part of the Government.

I do not know whether I have in this reply made myself clear to the learned Senator or not.

Now, Mr. President, where are we to stop if such a bill as this can be passed and become a law? Who contends that the construction of this canal is necessary for the transportation of troops of the United States, or for the transportation of the mails of the United States, or for the exercise of any other great governmental function? The contention is that it will be an avenue of commerce, that it will be an agency for interstate commerce, and that therefore the charter should be granted. I care not whether it is an agency between two States or between twenty-five States, if that is to be the rule, upon what ground can Congress hereafter ever deny a charter to any proposed agency which shall be or claim to be a means of conducting commerce between the States? When any railroad company, or proposed railroad company, comes to Congress and asks for a charter between the State of Pennsylvania and the State of Ohio or between any other two States, upon what ground can Congress deny it? Upon what ground can Congress deny any charter for any steamboat company that proposes to run a line from the city of Pittsburg to the city of Cincinnati, or from New York to any port along the coast of the United States?

Can we say that Congress will grant such charter in one instance and that it will not grant such charter in another? Is it to be a question whether or not the particular persons who may desire it are those who have influence in the Government? Shall they be favored and shall others with equal right be denied?

Mr. President, if it is not denied, if in all cases we are to act upon such a supposition, what is to become of the legislation of Congress? What will we be doing but sitting here engaged from session's beginning to session's ending in the granting of charters? Because every company will, of course, rather have a charter granted by the United States Government than to have one granted by a State.

But, Mr. President, there are serious considerations of another kind. One of them is this, and I hope I may have the attention of Senators through whose States it is proposed the canal shall run. I would be glad to have the attention of the Senator from Ohio [Mr. FORAKER] for a moment. I say there are serious considerations for States in which enterprises of this kind are to be located.

It may be said that the Senators and Representatives from these particular States do not object, and therefore why should anyone else object? My reply to that is, if this charter is a proper thing it is one which Congress can grant in a State which objects as well as in a State where there is consent.

Now, what is the effect of a charter granted by the United States Government? It becomes the law, not as it does in the case of a Territory or the District of Columbia, by virtue of the law of force in those particular areas, the power which is conferred being thereafter exercised in States only by comity, but a general charter such as this becomes a law governing and controlling in every foot of territory of the United States, including all the States.

Now, what is the effect of that law? In the first place, it takes away from the State of Pennsylvania and the State of Ohio, the two particular States which are most interested in this matter, every right of control of every kind whatsoever in the States, so far as those rights can be asserted in courts. Thereafter no matter of dispute which arises in either of these States can be settled in the courts of those States. It is settled in the removal cases, giving them by their general name, one in 111 United States, I think, and the other in 115 United States, that all matters which arise under a charter granted by Congress are matters arising under the laws of the United States, and that they are, in consequence, under the Constitution, matters within the jurisdiction of the courts of the United States, and not matters which the States can assume and undertake to adjudicate in their own courts.

Here is this wonderful enterprise, vast in its power, tremendous in the capital, with powers in this charter such as I have never seen granted in any charter, and about which I will hereafter speak more in detail if time permits, affecting the entire population not only along the lines of that canal, because there are several of them, but throughout the country both in Ohio and Pennsylvania reached by any of the Allegheny and three or four other rivers tributary. In that vast territory in these States and also in New York, no citizen can be heard in any court of those States, but they must go to the courts of the United States to have their rights adjudicated.

Not only that, Mr. President, but the power of taxation—and I ask the attention of the senior Senator from Pennsylvania [Mr. PENROSE] to this statement as it is somewhat in conflict with what I understand to be his statement—the power of taxation is largely taken away from the State of Pennsylvania and the State of Ohio in regard to this property. It is true that so far as this bill is concerned it stipulates:

> That the corporation hereby created shall be subject, in the respective States in which it does business, to all the laws of said States regulating the taxation of foreign corporations.

Mr. President, of late one very important subject-matter of taxation in corporations is the taxation of the franchises. It

has gotten to be a great issue in the United States, an issue which has been settled largely in the United States—that not only the tangible property of a corporation shall be taxed, but that its franchises shall be taxed. Yet the Supreme Court of the United States has determined, in the case of California *v.* The Railroad Company—I have forgotten the number of the volume—that the franchise of a corporation chartered by the Government of the United States can not be taxed by a State. This immense property, where the franchise is going to constitute possibly the most valuable part of the property, running through Pennsylvania and Ohio, will, so far as that particular value is concerned, be free from liability to State, county, or municipal taxation.

I am speaking now of the hardship upon the communities through which these canals run. I repeat, this is a matter which more particularly concerns the Senators from those States, but as the establishment of a precedent it concerns us all. If powers such as are granted in this charter can be hereafter granted in any charter which promoters of any enterprise may try to get from Congress, then whose State will be next is not known to anyone. When they come for a charter what is done here in this case is to be cited as a precedent.

Now, Mr. President, another thing. I have never known a charter, either Federal or State, where there is such immense power of eminent domain granted as there is in this proposed charter, because not only does it concern the domain to be occupied by the canal, but it concerns the entire domain covered by all of the streams which may be classed among the headwaters of the Ohio, Allegheny, and several other rivers, and all the rivers tributary thereto.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE and Mr. PENROSE addressed the Chair.

The VICE-PRESIDENT. The Chair recognizes the Senator from South Dakota. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. Certainly.

Mr. PENROSE. I would appreciate it very much if the Senator from South Dakota would permit the consideration of the Lake Erie and Ohio Ship Canal bill to proceed. I do not understand that it will take much more time. It would be a very great convenience to half a dozen Senators representing States immediately affected by the measure.

Mr. KITTREDGE. I inquire about the length of time that will probably be consumed in the completion of the bill which has been under consideration?

Mr. MORGAN. I shall insist on the Senator from Nebraska [Mr. MILLARD] going on if he is ready to proceed and desires to do so.

Mr. PENROSE. I understand objection is made. I ask unanimous consent, with the permission of the Senator from South Dakota, that at the conclusion of the remarks of the Senator from Nebraska the bill which has been under consideration may be taken up and proceeded with.

Mr. MORGAN. Mr. President, it seems that two canals have got into competition, one proposing to be built between Pennsylvania and Lake Erie and one that we have been hammering on and trying to get straightened out here for several years. The Senator from Nebraska is ready to go on; he is chairman of the committee, and I insist that nothing shall interrupt the course of his argument on this bill.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that at the conclusion of the remarks of the Senator from Nebraska the bill which has just been under consideration may be further considered.

Mr. MORGAN. I have no objection to that.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. KITTREDGE. That, I assume, is upon the unanimous-consent agreement that it shall in no wise prejudice the pending bill?

Mr. PENROSE. Oh, of course.

Mr. KITTREDGE. The pending bill being the unfinished business.

The VICE-PRESIDENT. It is so understood.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. MILLARD. Mr. President, as a member of the Committee on Interoceanic Canals and one of the signers of the minority report, I desire the time of the Senate while I present briefly my objections to the pending bill.

The idea of a ship canal across the Isthmus of Panama has been in the minds of men for generations. Long before the French people embarked upon the enterprise, expending vast sums of money, explorers had conceived a tentative plan of canal and reported upon its possibilities to one or more of the European powers. The scheme of a waterway across the Isthmus between the Caribbean Sea and the Pacific Ocean that would meet the requirements of the commerce of the world has engaged the attention of thoughtful men practically ever since the geography of that region became generally known. Within the last twenty-five years the dream of these pioneers has sought realization in various types of canal and in different localities within the limits of the strip of territory between the two continents. As a result of the accumulated knowledge on the subject we have before us to-day plans of two types of canal, the one commonly spoken of as the sea-level type and the other a plan of canal with locks. The question now before the Senate is, Which of the two types submitted would be the better to meet the ends of commerce and to subserve the military interests of this nation?

Obviously the question of the selection of a type of canal according to one or the other of the plans submitted is one hinging largely upon the engineering problems involved. Other considerations have received careful attention, yet upon every page of the reports of the consulting engineers, of the report of the Commission, of the deductions of the Secretary of War based thereon, and, finally, upon the printed evidence adduced before the Senate committee, there is disclosed the fact that the chief considerations, in the minds of all men who have given the subject painstaking study, were those involving the manifold engineering problems in the construction of the canal, its cost, and the period of time required for its building. The testimony taken before the committee on the subject of type of canal has been embodied into a volume of nearly 1,000 pages, devoted for the most part to the many engineering questions encountered, while the long list of names of both Frenchmen and Americans who have investigated the subject shows a large majority to have been professional engineers, most of whom favored the lock type of canal.

This being the case, I have based my conclusions mainly upon the preponderance of evidence and opinion given by the expert engineers of both America and France, not unmindful, however, of other important considerations. I reach the deduction that the plan for a lock-level canal adopted by the Isthmian Canal Commission, indorsed by the Secretary of War and approved by the President, as the result of much painstaking investigation, is far preferable to the plan of a sea-level canal submitted to the Senate and as described in the majority report of the Board of Consulting Engineers.

I believe, further, that the enormous cost of a sea-level canal as submitted would not be sustained by the people, since there is every reason to believe that a canal of practical utility and equally good can be built, as the President says, at a cost not more than half that of the proposed sea-level canal, and which can be built in about half the time required for building the low-level canal. Time is a most important element in considering this subject as viewed by the American people.

My conception of the subject is that the American people desire a navigable waterway across the Isthmus at the lowest possible cost, and that they will defeat any plan which contemplates the building of a canal that would cost untold millions. I believe that the 85-foot lock type, as proposed in the plans submitted, would prove after construction to be the ideal canal. In other words, that it would be the type of canal that would better serve the needs of the nation at present and in the future than would any sea-level type that could be constructed within the limits of time and money that can be contemplated. While it is undoubtedly true that if an actual sea-level canal could be constructed of sufficient depth and width, the latter to be not less than, say, 500 feet at the bottom, without any dams or locks, there is no question that it would be the ideal waterway, but this is a type which is purely imaginary, and no thinking man, engineer or otherwise, could seriously sanction the starting in to accomplish any such finality.

The length of time and the immense amount of money which under the most favorable circumstances such a project would cost would most effectually bar its completion during this generation, probably many more.

The ease with which the lock-level canal could be made larger, should necessity ever arise, by simply deepening the approach sea-level channels or by the construction of new locks—

ample and favorable location existing to almost any extent—and the simple raising of the spillway of the Gatun dam would enable the depth of water in the lock canal to be increased to any reasonable limit, say to 60 feet of water, if necessary.

Therefore it would appear, taking into consideration all of the elements which enter into the proposition, that it is a safe assertion that the proposed 85-foot lock type of canal is the ideal canal, which is not true of the sea-level type as submitted to the Senate.

In his testimony before the Senate committee, William Barclay Parsons, eminent in his profession and one of the strongest advocates of the sea-level plan, made this qualifying statement, to which I call special attention. He said:

The plan that the minority has submitted is, in my judgment, a feasible scheme. It can be constructed; it can be constructed probably within the limit of cost and time that the minority has set forth. If it was to be regarded as simply a commercial enterprise by a private corporation, that would have to go into the open market and risk its capital, and pay for that capital 5 or 6 or possibly 4 per cent, when commissions and discounts are taken into consideration, and then expect to make a profit over and above that 5 or 6 per cent, I should say that the plan as prepared by the minority would be a perfectly satisfactory plan. It probably represents the least cost at which a canal can be constructed across the Isthmus of Panama. But that is not the case that was presented to you. This is not a canal to be built by a private corporation; it is a canal to be built by the United States Government. The United States Government, in the first place, instead of having to pay 5 or 6 or more per cent for its money, can borrow it at, say, 2 per cent. The fixed charges, therefore, are reduced to one-third.

It is hardly probable that the American taxpayer would take the view of the case as stated by Mr. Parsons. It goes without saying that the Government has no more right to expend money in excess of actual requirements than has a corporation or individual. In my view of the subject, we are expected by the people to provide for a practicable canal at the lowest possible cost, to be constructed in the shortest possible time. To take any course involving unlimited expenditure would only delay the day of completion of this colossal project and deprive it of the popular favor it now enjoys. If the ultimate aggregate cost of the canal is a matter to be regarded with indifference, as the Senator from South Dakota seems to view it, then, by all means, let us open the Treasury vaults for an annual expenditure of twenty to thirty millions and proceed to build a canal that would realize, when completed, the dreams of those who would merge the waters of the Pacific and the Caribbean Sea by constructing literally the Strait of Panama.

Even in these days of boundless national prosperity the sum of one or perhaps two hundred millions of dollars, in the eyes of the people, is so great that it is staggering. Many Senators here will recall days not so very far back when the appropriation of any such sum would have been impossible in the case of a proposed canal. Who of us is wise enough to say that the nation may never again experience a season of financial depression? Who can say that the time may not come when the people would regard an excess appropriation of that vast sum, when a canal of practical utility can be built without it, as a waste of public money, and criticise any Congress that would be profligate enough to appropriate it? A nation like ours can not afford to pause in the gigantic task by reason of stress of finances, and we should husband our resources and do nothing to impair popular confidence in the ultimate success of the enterprise. The safe course is to build a canal that would be practical for the least possible money. Any other course would be a waste of public treasure which the taxpayers of this nation would be sure to condemn.

In this connection it may be remarked that, if the Panama Canal, when first opened for traffic, should have a tonnage through it of 5,000,000 tons per annum, which is an exceedingly large estimate, and if after that the increase of tonnage through it should be as great as that which has taken place in the last thirty-five years through the Suez Canal, the tonnage passing through the Panama Canal in the year 2000 A. D. would be only about 32,000,000 tons. This is not one-half the capacity of the canal. Witnesses before the committee expressed the opinion that the toll receipts would average a rate in excess of $1 a ton. Mr. Wallace submitted a rate of $1.36 per ton of 2,240 pounds. Should the average rate not fall below $1 a ton, the gross receipts would be about $32,000,000 a year, or a net annual income of nearly $30,000,000, which might be applied toward defraying the cost of building the Strait of Panama, should posterity ever attempt so gigantic an enterprise.

Among the very able men who testified before the Senate committee was Mr. Frederic P. Stearns, chief engineer of the metropolitan water and sewerage board of Boston, recognized not only as one of the great engineers of America, but of the world. His testimony before the committee was remarkably clear and convincing, and I hope every Senator may read it carefully before voting on the bill.

In computing the relative cost of the two proposed plans he took account of the interest charge upon the capital employed in building the great enterprise, and on that point furnished the committee the following estimate, which I will send to the desk and ask that it be read by the Secretary.

The PRESIDING OFFICER (Mr. SCOTT in the chair). In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Relative amount of interest during construction on lock and sea-level canals.

In both cases assume that the interest is at 2 per cent, compounded annually.

Assume in both cases an expenditure of $50,000,000 in 1904.

In the case of the lock canal assume a total expenditure for the ten years from 1905 to 1915, inclusive, of $14,000,000 per year, making a total of $140,000,000 for construction.

For the sea-level canal assume an expenditure of $14,500,000 in 1904 and of $15,500,000 in each of the next fifteen years, making a total of $247,000,000 for construction.

Interest on sea-level canal if completed in 15 years	$66,297,000
Interest on lock canal if completed in nine years	28,502,000
Difference in favor of lock canal	37,795,000
If the time for constructing the sea-level canal should extend to eighteen years, the interest account would amount to	88,532,000
Deduct, as before, interest on lock canal	28,502,000
Difference in favor of lock canal	60,030,000
The cost of the lock canal, including interest and payments to the Panama Canal Company and the Republic of Panama, would be	219,000,000
The cost of the sea-level canal, including interest and the above payments, based upon the cost as estimated by the Board of Consulting Engineers and fifteen years for completion, would be	363,000,000
The cost of the sea-level canal, including interest and the above payments, based upon the cost as estimated by the Isthmian Canal Commission and eighteen years for completion, would be	410,000,000

Mr. MILLARD. Mr. President, when Mr. Stearns was before the committee I asked him this question:

If you were going to own both canals, which one would you think the best, for the same money and the same time in construction?

And he replied as follows:

I have given that matter very careful consideration. It seems to me that a canal is a means of getting ships across the Isthmus; that it is a question of getting them across, in the first place and most important, safely, and, next in importance, to get them across quickly. In both of these respects I believe the lock canal is the best. It has within its depths and widths ample channels which will permit speed and safety, for while groundings occur in wide channels they occur much more frequently in narrow channels.

I believe that the lock canal has the greater capacity for traffic. When one imagines the traffic approaching 60,000,000 tons per year it will be realized that it would not be practicable to get them through if one ship had to be tied up for every other one that passed, there would be so many in the canal at one time. There would be a demand for widening the sea-level canal before any demand would come for the enlargement of the lock canal, except as individual ships might get to be so large as to require another set of locks, which would not be very costly.

Taking all those things into account, I believe that for the same time and money the lock canal is the better canal. I would give more for it.

Gen. Peter C. Hains testified:

I think I would prefer the lock canal even though the relative costs were about the same.

Chief Engineer John F. Stevens, in his report to the Commission, concluded as follows:

Finally, even at the same cost for time and money for each type, I would favor the adoption of the high-level lock canal plan in preference to that of the proposed sea-level canal. I therefore recommend the adoption of the plan for an 85-foot summit level lock canal, as set forth in the minority report of the Consulting Board of Engineers.

Mr. Alfred Noble, another high authority, the chief engineer of the Pennsylvania Railroad Company, testified in committee as follows:

Mr. NOBLE. Certainly; I think that the lock-level canal as planned is a better canal than the sea-level canal as planned—better for the use of commerce, without regard to cost.

Senator TALIAFERRO. If they cost the same?

Mr. NOBLE. If they cost the same. I think that if we had two canals on the route, if it were possible, one built as proposed by the lock-level people and the other built as proposed by the sea-level people, the lock canal when finished would be the better one.

The minority report estimates that eight and one-half years would be required within which to build the lock-level canal, while the majority of the Board estimates that twelve to thirteen years' time would be consumed in the construction of this proposed sea-level canal. The Canal Commission and Chief Engineer Stevens estimate that eighteen or twenty years' time would be required for building this sea-level canal as planned.

Since it must be apparent that an earthquake visitation to a completed canal would be as injurious to the one type as to the other, I will not devote much time to that phase of the subject. Happily the very latest information as to the effects of an earthquake upon the structure of a large dam is that which is

appended to the minority report of the Senate Committee on Interoceanic Canals. Neither type of canal can be constructed without a dam, as is shown by the evidence. The opponents of the lock type point to the results of the recent earthquake in California as evidence that great hazard would be taken in the construction of locks in the Panama Canal. There is some misapprehension on this point. In the testimony reference was made to the arch in the old church at Panama, which has stood firmly in place for two centuries, giving indisputable evidence that earthquakes are not common to the Isthmus and need not be regarded as an element of danger there.

In answer to my query, Mr. Frederic P. Stearns said in a recent letter:

It has never seemed to me that at Panama, where as fragile a structure as a church tower has remained intact for centuries, the effects of an earthquake were to be considered in determining the type of a canal, and the recent experience in San Francisco certainly corroborates this view.

Discussing the effects of the earthquake in California, Mr. Stearns, among other things, says:

The fault line south of the San Andreas dam continued through the middle of the long and narrow Crystal Springs reservoir, in which the water is retained by a concrete dam 115 feet high above the natural surface. The reservoir at the time of the earthquake was full. Professor Derleth, after stating that this dam "was subject to a series of thrusts and pulls in vertical planes along its length, since it is parallel to the fault line," adds: "So far as the writer could see, and he examined the dam carefully, there is not the slightest crack."

I know of no mass of masonry in the country that is more like the masonry of the proposed locks at Panama than the Crystal Springs dam. It is located only one-fourth mile from the fault line and has stood the test of the earthquake without being affected.

Mr. President, I have a statement made by Chief Engineer Stevens before a subcommittee of the House of Representatives a few days since. I shall not trouble the Secretary to read it, but I will ask permission that it may be inserted in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection, the matter referred to by the Senator from Nebraska will be inserted in the RECORD without reading.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. MILLARD. Yes.

Mr. HOPKINS. I desire to ask the Senator if the extract to which he refers is in reference to the effects of an earthquake on such work?

Mr. MILLARD. Yes; would the Senator like to have it read?

Mr. HOPKINS. I will suggest to the Senator from Nebraska that that is a proposition in which all are interested.

Mr. MILLARD. Then I will ask to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Mr. SULLIVAN. That is the point that is not clear in my own mind, Mr. Stevens, and I would like to have it cleared up. I am not an expert by any means. Rather I am almost a total stranger to the Panama Canal yet, and to the terms regarding it. But I understood the advocates of the sea-level canal based their opinion of its expediency largely upon the fact that an earthquake would do great havoc to a lock canal, but would not to a sea-level canal. Now, if you can enlighten me as to the relative degree to which an earthquake would affect both types, I would be glad.

Mr. STEVENS. I do not know what is running in other minds. I am not a sea-level advocate, as it is pretty well known. But here is a house, for example; it might be in San Francisco, or may be in Washington, standing in a certain location. Who can say, when there comes an earthquake, whether that house, built of a certain size, will be damaged more than a house twice the size would be? We can not say anything about it. Taking the canal as a whole, there are vulnerable points to attack by an enemy by cannonading or by an earthquake; but, in my judgment, there is no difference between the two types as to which would be the most damaged.

We have a big dam at Gatun. I think that the possibility of its destruction might be entirely eliminated. I do not see how an earthquake could disturb that any more than it could disturb a range of mountains. So far as the locks adjacent to it are concerned, they would be located on natural ground, in rock foundations. I do not see how it is possible for an earthquake to disturb it; and yet again it might be disturbed.

On the other hand, adjacent to the canal is the big Gamboa dam, one hundred and eighty-odd feet, holding 170 feet of water, running back 20 miles—hundreds and hundreds of millions of cubic feet of water. You can imagine a sea-level canal down at the bottom of that gorge; imagine this a dam 170 feet high, running back 20 miles. If an earthquake would disturb a dam in the case of a lock level at Gatun, the same argument would show that it would disturb a dam here at Gamboa. You can imagine what would result if that lake, running back 20 miles, would break into the canal.

The CHAIRMAN. That condition would not exist as to a lock canal?

Mr. STEVENS. No, sir.

The CHAIRMAN. There is no dam at that place on that lock canal?

Mr. STEVENS. No, sir. I do not think there is any possibility of any earthquake disturbing the Gatun dam. It is a mountain range, 22,000,000 cubic yards, a mile and a half on the base, 135 feet high, with 80 feet of water against it, and over 300 feet thick at the water level; solid packed earth put in there with pumps, which is the most reliable way of putting in earth that is known. In other words, you are building right across the valley there a spur of the mountain range, and I think if you give it a good shake twenty years from now you would solidify it instead of destroying it. [Laughter.] I think you would make it more solid than it was before.

Mr. LITTAUER. Now compare with that the construction of this dam that would hold back the Chagres River.

Mr. STEVENS. They say either a masonry dam—in the majority report I understand they prefer a masonry dam. That would be a curtain of concrete or built-up masonry, according as they might elect to build it. It would be founded upon rock, 122 feet long and 80 feet high; a curtain put up like this [indicating]. If anything on earth could be disturbed by an earthquake, I think that, standing out there practically alone, would be. I should think an earthquake would jar that up a little. [Laughter].

The CHAIRMAN. What is the history in that section of the Isthmus of Panama with respect to earthquakes?

Mr. STEVENS. I can not get a reliable report, for a couple of hundred years at least, that there have been any earthquakes there that have done any particular damage.

The masonry there that the Mexicans and Panamans are still employing is a class of masonry that you would not think would stand up over night. They do not take any particular pains to shape up their rocks, and they use a poor quality of cement and use limewater. They build these walls up four or five stories high and put their finish on. There are old churches there, built two hundred years, with their walls standing there now, which, if they were in Washington or New York or anywhere else, you would have the fire department there before night pulling them down. They have stood there for two hundred years. I cross over and go on the other side of the street when I walk by them.

Mr. SULLIVAN. You think there would be greater danger, then, of loss or damage by earthquake to a sea-level canal than to a lock canal?

Mr. STEVENS. No; I would not want to go on record as saying that, but I think they are about equally vulnerable. I do not think there is any difference particularly.

Mr. MILLARD. Mr. President, upon the subject of the probable interference with navigation by reason of admission to the canal, under the sea-level project, of the waters of a number of small streams, I will send to the desk and ask to be read an extract from the written statement of Maj. B. M. Harrod to the Interoceanic Canals Committee, wherein reference is also made to the unknown character of the foundations for dams proposed to be built to divert still other streams from the prism of the sea-level canal. Major Harrod is a member of the Commission. I ask that the statement be read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Of the tributaries to be received into the prism of the canal there are twenty-two of considerable size. Two are known to have a flood discharge of over 3,000 cubic feet per second; eight more have discharges of over 1,000 cubic feet per second. Their flood discharges between Gamboa and Bohio may aggregate 30,000 second-feet. They descend into the canal from heights varying from 13 to 160 feet above sea level. The sea-level plan proposes to overcome this difference of level by masonry-stepped aprons, metallic pipes, or by sloping and lowering the beds of the influent streams, although no designs are presented. Professor Burr, in his testimony, describes basins at the mouths of these streams, to strain out the sediment and débris, allowing only the water to enter the canal, but that is a personal suggestion, and does not appear in the plan. This would certainly add materially to the estimate, and it is doubtful whether it would not be more costly to clean out the several basins, which would rapidly fill up, than to dredge the deposit from the canal itself.

I believe that the discharge of 3,000 cubic feet per second into the canal prism of 8,000 feet cross-section would cause cross currents which would prove an absolute obstruction to navigation as long as they prevailed. No ship could hold a direct course under such conditions. She would be driven against the opposite bank. Even lesser discharges would prove proportionately obstructive to navigation.

I believe that the injection of 3,000 cubic feet per second into a canal prism of only 8,000 or 10,000 square feet of sectional area would cause deposit on one side and would abrade the opposite bank unless it were in rock and that these effects, in combination with a current varying from 1 to 2½ miles an hour, would give to those parts of the projected sea-level canal through earthen banks the characteristics of an alluvial stream, which would ultimately establish meanders or sinuosities that would seriously impair the navigability of the canal for all larger ships unless these banks were artificially protected and the bars constantly dredged.

It is proposed in the sea-level plan to divert the Cano, Gigante, and Gigantito from the canal route by four dams and a spillway. These are all in a region of which little is known by survey. The largest of these dams holds a head of water about 70 feet above sea-level, only a few feet less than the Gatun dam, and is about 3,000 feet long. No intimation is given of the method of construction, whether of earth, masonry, or a combination of the two.

The estimate for completing 21 miles of temporary diversion and of several miles of permanent diversion, aggregating many million yards of excavation, for controlling the descent of twenty or more tributaries, by masonry structures, into the canal, and for the building of four dams and a spillway, for which no plan is proposed, in a region where no investigation of foundations has been made, is three and one half millions plus 20 per cent, which I believe will prove entirely inadequate.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. MILLARD. Certainly.

Mr. TALIAFERRO. I ask the Senator from what has the Secretary just been reading?

Mr. MILLARD. The statement of Major Harrod, which will be found in the report of the testimony of engineers.

Mr. TALIAFERRO. May I ask if the statement was pre-

sented at the hearings before the committee, and if it appears in the hearings?

Mr. MILLARD. It was presented to the committee in a written report, and will be found in the book of testimony of the engineers.

Mr. President, it is not my purpose to discuss the engineering questions in dispute between the advocates of the respective types. That was done to some extent in the report of the minority members of the committee, presented to the Senate a few days ago, and it is to be presumed that Senators have read much of the testimony on these points as printed in the record of hearings of the committee. It may be that these experts can never agree upon some of the issues raised; but to my mind, as the salient points of either side were developed, the conviction became stronger that the lock type as planned presented fewer disadvantages and higher possibilities than the other. The editor of the Engineering News, in a recent edition, expresses a similar view, to wit:

We have followed carefully the testimony of the various experts who have appeared before the Senate committee during the past four months, and we are unable to find that in any important particular the lock-canal plan, recommended by the minority members of the Consulting Board and adopted by the Canal Commission, has been proved to be faulty.

In the report of the majority members of the Senate committee, and also in the remarks of the Senator from South Dakota in the Senate, emphasis is laid upon the elements of so-called "weakness" in the plan of the Gatun dam, according to measurements submitted by the members of the minority board of consulting engineers. I have not regarded it as of the utmost importance to meet the arguments advanced, in view of the fact, which must be known to all Senators, that either type of canal presented for our consideration embraces various dams of greater or less dimensions, but I can not refrain from citing a few extracts from a letter just received from Mr. Frederic P. Stearns, of Boston, who has made a specialty of the scientific construction of dams. I ask to have it read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

* * * Let us examine next the character of the dams proposed in connection with the sea-level plan. There are four of them—the same number as required in the plan for a lock canal.

The greatest dam is that at Gamboa, for the purpose of holding back the waters of the Chagres River. The Board recommended at that place "either an earth dam with a heavy masonry core carried down to bed rock or an all-masonry structure founded at the same depth and upon the same material" (Report, p. 47), in this way giving their approval to an earth dam with a masonry core wall at this place.

The highest flow line of this reservoir is 130 feet above the river bed and 170 feet above the bed rock, which at this place is at sea level. The lake formed by the dam would have an area of 29½ square miles.

In approving an earth dam of this height with a core wall the Board has gone directly contrary to their unqualified opinion that "no vast and doubtful opinion should be indulged in," and that the work should "include only those features which experience has demonstrated to be positively safe and efficient," because no earth dam of any kind has been constructed to retain water to a greater height than about 115 feet, which is held by the dam already referred to, and no earth dam with a concrete core wall has ever been in use in which the height of the core wall has exceeded 125 feet, while in this dam it would require a height of 170 feet.

The board, in the consideration of the subject of dams (Report, p. 46), states:

"The earth dams, which have already been built for the retention of large bodies of water, some of them exceeding 100 feet in height, show that this type of structure may give satisfactory results when properly designed and constructed, but the character of the foundation material on which such dams are built and the means for preventing dangerous seepage underneath or through such foundations must always be carefully considered."

It then proceeds to recommend three dams, respectively, across the rivers Gigante, Gigantito, and Cano Quebrado, without giving any designs, without any engineer having looked at the sites of these dams to determine whether they were favorable or not, and without any boring at their sites to show the character of the material or the depth to rock. That those dams can be built at those places is merely a matter of conjecture, based upon the rough topographical surveys of a large section of territory made by the French before the canal came into the possession of the United States.

* * * In reviewing the dams proposed in connection with the lock canal and with the sea-level canal it can be confidently asserted that the dams of the lock canal have been designed by engineers of the highest reputation in this branch of engineering after a careful examination of their sites and after extended borings to show the character of the material beneath them, and that they do not go beyond the limits of actual practice except in being made more massive and stronger than any dams heretofore constructed to retain the same depth of water. On the other hand, it can be confidently asserted that three out of the four dams of the sea-level canal have not yet been designed, that their sites have not been examined, and that the character of the material or the depth to rock at the sites is entirely unknown. The fourth dam is far beyond the limits of any actual practice.

Mr. MILLARD. I shall speak of one criticism of the lock canal as planned, touching the inadequate length and depth of locks. The judgment of well-informed men is that the locks should be 1,000 feet long in the clear, providing for a depth of water of not less than 45 feet over the sills, and 100 feet wide. I concur in this opinion, because of the constant increase in the dimensions of seagoing ships which has marked the evolution of shipbuilding the last twenty-five years. Those of us who have crossed the ocean occasionally during the last quarter of a century have noted the remarkable advance in the science of shipbuilding. It was something like twenty-seven years ago that I first crossed the Atlantic and took passage in what was then regarded as the largest ocean liner afloat. My recollection is that the length was a little less than 500 feet, with a carrying capacity of a little over 5,000 tons. When we consider what progress has been made in the construction of ocean vessels since that time, in increased length, depth, width, and carrying capacity, may we not look for still further advances as the years go on?

There are now ships in commission or in course of construction practically 800 feet in length, with proportionate depth and width. The idea will suggest itself to Senators that it would be the part of wisdom to anticipate the future and build the locks accordingly, which may be done at an expense not beyond our resources. Not so with the sea-level canal as proposed. It would not be long until such a canal would have to be enlarged and practically built over in order to accommodate the larger ships. In fact, it is reasonable to say that no prudent ship captain would take a big ship into a shallow canal such as is contemplated by the sea-level plan. Should one or the other of the new Cunard liners now under construction enter a sea-level canal as proposed there would be trouble. Can Senators imagine any ship company taking a ship worth three or four millions of dollars, to say nothing about its cargo, through a waterway with rocky sides and foundations containing only 2 feet of water in excess of the draft of the vessel?

The senior Senator from California [Mr. PERKINS] knows a great deal about ships and shipping. I would like to ask him this question: Assuming that you owned one of these large ships which have been referred to—80-foot beam, 800 feet long, and drawing 35 to 38 feet of water (a diagram of which hangs on the wall)—would you be willing to risk the ship or ships of that character in a channel only 150 feet wide, whose rocky walls are high on either side, containing a depth of but 40 feet of water, leaving but 2 to 5 feet below the keel of the ship?

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. MILLARD. Certainly.

Mr. PERKINS. I will state in reply to the question propounded that the wash or undulation of the water caused by a vessel's movement through it has a tendency to shallow the water under the vessel, and no prudent navigator or commander of a vessel would think of taking his vessel over any bar, except in a case of great emergency, unless there were at least 5 feet of water under the vessel clear, and then it would have to be a still, quiet stream. This wash and undulation of the water by the vessel has the tendency to shallow it several feet.

I remember an instance that occurred some time since in one of our western ports, where an eminent nautical man, in command of one of our battle ships, said it was true there were 5 to 6 feet of good water, according to his soundings, yet he would not think of taking his vessel over that bar or shoal at the time.

Then, again, in answer to the other question as to steering the vessel, in order to have command of a vessel she must have steerage way upon her or she would not answer her helm, unless she was going 5 or 6 knots an hour, without taking up a very great distance. Therefore you must have several degrees of curvature in order to have the vessel answer her helm, to escape from grounding or going into the sides of the canal, whether it is a sea-level canal or a lock canal.

Mr. FORAKER. With the permission of the Senator from Nebraska——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. MILLARD. Certainly.

Mr. FORAKER. This is a matter about which some of us have very little information. The Senator from California has just now given us some facts. I should like to ask him a question, if it is not interrupting too much the Senator who is speaking.

Mr. MILLARD. Not at all.

Mr. FORAKER. Would there be any difficulty in steering a ship with a beam of 88 feet through a canal that is 150 feet in width and has a current of less than 3 miles per hour? I think the Senator from Illinois [Mr. HOPKINS] stated that the current in the canal would probably be 2.64 miles per hour. Would there be any trouble in steering a ship of the width I have indicated, 88 feet—I believe that is the largest ship—through a canal 150 feet in width?

Mr. PERKINS. It would depend in great measure upon the curvature of the canal. If there were abrupt angles, it would be very difficult, indeed, with a long ship. A ship of this great length and beam is far more difficult to steer than a short vessel. I suppose the Senator has run a yacht for a time. Those short vessels will sometimes, to use a nautical term, turn upon their own heels.

Mr. FORAKER. I deny that impeachment. I never ran a yacht. There are many things for which I might apologize, but I never did that.

Mr. PERKINS. My friend is fond of the good things and the pleasures of life, and I know of nothing more exhilarating and invigorating and delightful than to sail a yacht on the wind. Take a short vessel 50 or 60 or 75 feet long. She sometimes, to use a nautical term, will "turn upon her own heel." She will come around within two or three degrees of the compass. But take a long ship——

Mr. FORAKER. I am not asking the question in any controversial sense at all. I want information. Is the curvature of the canal indicated on the map?

Mr. PERKINS. It would be impossible for a ship of that great length and beam to have steerage way unless she was going 8 or 10 miles an hour. That would be necessary in order to have command of the vessel. Such a vessel has a displacement of fifteen or eighteen or twenty thousand tons, and in order to have control of her, in order that she will answer her helm, she must have a steerageway upon which to do so.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. MILLARD. Certainly.

Mr. GALLINGER. The Senator from California made an observation that interested me, and I should like to have him explain a little further. He said it is not safe for a great vessel to navigate a waterway unless there is 5 feet of water to the good. My investigations have led me to believe that in our great harbors of the United States the commercial craft that come from abroad—we have very little of our own, I am sorry to say—run into our ports with very much less than 5 feet of water to the good. I should like the Senator to explain the difference between the conditions in our harbors and in the proposed canal, if I state the matter correctly, as I think I do.

Mr. PERKINS. The Senator states the matter correctly, and as a result ships frequently run upon a sand bank or a shoal in entering the harbor. The Panama Canal will have a rock bottom, and it would ruin the steel plates on the bottom of the vessel should she graze the sharp crags of the rocks.

Mr. GALLINGER. I think the Senator will hardly insist upon that except where accidents occur. Of course if they run over a bar they may get grounded, but as a rule they have no trouble.

Mr. PERKINS. As a rule a ship of a displacement of from sixteen to twenty thousand tons should not cross turbulent water, and it is not safe for it to do so, unless there is at least from 4 to 5 feet under her to the good—clear water.

Mr. GALLINGER. Do you call the canal turbulent?

Mr. PERKINS. No. I think the canal will be still water. At the same time it is too small a margin for the vessel. It would be strained and would suffer injury thereby, and the underwriters would insist, I think, that there should be at least that amount of water under her.

Mr. KEAN. I wish to ask the Senator from California how much water the men-of-war of the United States draw?

Mr. PERKINS. They draw from 25 to 30 feet.

Mr. KEAN. Take the harbor of New York; what is the depth there?

Mr. PERKINS. In the harbor of New York the depth is from 35 to 38 feet at high water.

Mr. KEAN. I think you will find little of that depth.

Mr. PERKINS. A few months since I went on a ship up the harbor. It was thick, and the sailor was in the forechains throwing the lead, and he called out "6 fathoms," "hawmark," "6 fathoms;" nothing less than 5 fathoms, I think. He so reported to the officer on the bridge.

Mr. KEAN. That was very well for that place.

Mr. PERKINS. It was New York Harbor.

Mr. KEAN. But that is not true of the whole channel; and New York Harbor is the greatest harbor in the country.

Mr. PERKINS. No; San Francisco is.

Mr. KEAN. San Francisco may have been great.

Mr. PERKINS. The harbor is all right now.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. MILLARD. Certainly.

Mr. SPOONER. I simply wanted to ask the Senator whether he would prefer to go on with his speech or have some of the rest of us speak.

Mr. MILLARD. I would rather proceed, Senator, at the present time.

Just at this particular time I should like to have read the testimony on the point which we are talking about given by Mr. Stevens before the House Committee on Appropriations, on page 102.

The VICE-PRESIDENT. Without objection the Secretary will read as requested.

The Secretary read as follows:

Mr. STEVENS. I think there is a good deal of mistiness in the average mind on this subject—perhaps not on the part of you gentlemen, but in the newspapers and elsewhere they picture in their minds something entirely different from what a sea-level canal actually would be. There is something very attractive about that word; there was to me before I went down there and saw the conditions that existed there. Then I was a sea-level canal man all right, but I think differently now. A man sees in his mind a picture of that nice blue rippling water through a large strait and sees ships moving through it.

Now, you can put this picture on the plates of your minds: You would have practically, under this present majority report of a sea-level canal, a little, narrow, tortuous strip, the sewer of the country, down at the bottom of everything, with torrential mountain streams pouring down there into it with a fall of from 15 to 130 feet. You have got a current there which, from the best scientific authority we can get, figures out 3 miles an hour. This is a channel 150 feet wide nearly the entire way, only 150 feet wide at the bottom, with sharp curvature, and less than twice the width of the vessel that will have to navigate it, with from 2 to 4 feet of water under their keels, going against a current of nearly 3 miles an hour, which would require them to run at least 7 miles an hour to keep steerageway with their own steam. I do not think there is a shipowner or a ship company on earth that would put a ship through that canal. I know of one that would not. I do not believe a United States battle ship could go through that canal safely. It would be aground all the time.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. MILLARD. Certainly.

Mr. PERKINS. The Senator asked me a question, and while I was endeavoring to answer it, my friend the Senator from Ohio asked me a question. Since then I have looked at the diagram of the vessel, and I wish to ask, with the permission of my friend the Senator from Nebraska, a question of my friend the Senator from Ohio. Those ships are 88 feet beam. Two of them would be 176 feet. The canal is to be 150 feet wide. I wish to ask my friend the Senator from Ohio how these two ships would pass each other in the canal?

Mr. FORAKER. I do not pretend to be an expert on this business. I interrupted the Senator from Nebraska to ask a question of the Senator from California in order to get some information. But I will say to the Senator, in answer, that this occurs to me: I am told that those are the two largest ships ever constructed. They are only now being constructed. I do not know where they are being constructed, but somewhere in Great Britain, I believe. I do not know what trade they are to ply in. I will ask the Senator, in answer, if there are only two such ships in the world, what he thinks is the degree of probability that those two ships will ever meet in the canal?

Mr. PERKINS. There are a great many vessels that are 60 to 75 feet breadth of beam, and they will frequently pass through the canal, if it is to be a financial success, and, as the piece of poetry runs, they will not "pass in the night." They will speak each other in passing. It is physically impossible for two ships 60 to 75 feet beam each, either in the daytime or the nighttime to pass each other in the canal.

Mr. FORAKER. If it does not interrupt the Senator from Nebraska too much, I will say further in answer to the Senator that I understand it is only for a limited part of the way that the canal is as narrow as 150 feet.

Mr. HOPKINS. Nineteen or 20 miles.

Mr. FORAKER. Nineteen or 20 miles out of 49?

Mr. HOPKINS. Out of 49.

Mr. FORAKER. For something like 30 miles the canal is much wider. I suppose there will be telephonic communication, and when the two greatest ships in the world are to go through the canal at the same time there will be the precaution taken of having them pass at a wider place, and not at the narrowest that can be found.

Mr. HOPKINS. I will say to the Senator from Ohio that at other points the canal is 200 feet wide, but for a distance of between 19 and 20 miles it is only a hundred and fifty feet.

Mr. FORAKER. Then it might be, if we were going to have a sea-level canal, that I would conclude to make it wider.

Mr. HOPKINS. That is right. That is what we contend. If you are going to have a sea-level canal, have one wide enough to meet the commercial exigencies of the day.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. MILLARD. Certainly.

Mr. KNOX. I desire to make a suggestion in reply to what the Senator from Ohio said in respect of those being the two largest ships that are now in process of construction and are therefore, of course, exceptional in their character. I wish to call his attention to the fact that the statute which we are now undertaking to execute by the construction of the canal specifically provides that—

Such canal shall be of sufficient depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated.

So even if these ships are exceptional in their character, it is incumbent upon us, in executing this law, to provide for them and such as we may reasonably anticipate in the future in the way of enlargement.

Mr. FORAKER. I hope the Senator from Pennsylvania will understand that I was not making the suggestions I did make in any spirit of controversy or in the way of saying anything in opposition to any plan which has been proposed. I was simply answering questions which had been propounded to me by the Senator from California, who is well informed upon all nautical matters, and of whom I had asked some information. It was only that I wanted to be informed, and not that I wanted to use it in any spirit of opposition to anything that anybody is contending for.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. MILLARD. Certainly.

Mr. KNOX. I merely want to state that I had not the slightest idea that the suggestion from the Senator from Ohio was intended to indicate any preference as to the type of canal, or any criticism. The only excuse I had for reading to him the provision of the statute was to add to his stock of information upon that subject.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. MILLARD. Certainly.

Mr. TALIAFERRO. I wish to ask if the plan of canal, as recommended by the President, should be adopted by Congress, whether the Senator from Pennsylvania contends that the canal would be built under the act from which he has just read? As I understand, the President of the United States has recommended a plan of canal proposed by the minority of the Board of Consulting Engineers, and if that recommendation should be adopted by Congress, I take it that specific canal would be built, and not a different canal, to which the Senator has referred in reading from the act of Congress—the Spooner Act—of a few years ago.

Mr. KNOX. If I may be permitted in the time of the Senator from Nebraska to answer the question——

Mr. MILLARD. Certainly.

Mr. KNOX. I will answer it as categorically as I can without going into any argument. It is my opinion that the law requires that whatever canal is built shall be of sufficient capacity to carry vessels of the largest tonnage now in use, or that may be reasonably anticipated.

Mr. TALIAFERRO. Then, as I understand, Congress would not be expected to authorize the construction of the canal which the President has recommended?

Mr. KNOX. I do not think there is any such inference to be drawn from anything I have said. I will add further that, in my judgment, the canal proposed here by the minority can be built by the President under the authority of the Spooner Act.

Mr. TALIAFERRO. The locks proposed by the minority, as I understand—and it may be appropriate to speak of the fact now—have a usable length of 770 to 780 feet, and yet for the purpose of showing that a sea-level canal would be inadequate if constructed as proposed by the Board of Consulting Engineers, a diagram is presented here with two ships, the length of each of which is 787 feet. I would ask the Senator to explain how those ships could get through such a lock or such a series of locks?

Mr. MILLARD. Mr. President, I simply gave way for a question. I think I had better proceed.

Mr. HOPKINS. Will the Senator allow me right here?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. MILLARD. Certainly.

Mr. HOPKINS. I desire to say, in answer to the Senator from Florida, that these locks are duplicate locks, and the engineers say that six vessels of that character can be accommodated in those locks at the same time.

Mr. TALIAFERRO. Will the Senator from Nebraska indulge me for just a moment?

Mr. MILLARD. For a moment.

Mr. TALIAFERRO. I do not understand how one vessel of 787 feet, much less six, can be gotten into a lock with a usable length of 770 to 780 feet.

Mr. HOPKINS. If the Senator from Nebraska will allow me to say just a word, the conditions upon the Isthmus are such that they can fix the locks at almost any length, and the proposition is to make them so that they will comply with the law as just read by the Senator from Pennsylvania. I think when the Senator from Florida comes to study this subject a little further, even his objections will be dissipated.

Mr. MORGAN. Now, if the Senator will allow me for a moment, I will ask the Senator from Illinois——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. MILLARD. Certainly.

Mr. MORGAN. Whose proposition is that? You say the proposition is thus and so. Whose proposition is that?

Mr. HOPKINS. The proposition of the engineers.

Mr. MORGAN. No. I have seen no such proposition.

Mr. HOPKINS. It is an engineering proposition.

Mr. MORGAN. I have seen maps drawn up here in connection with the reports of engineers that show locks of certain lengths, three in flight, like the steps up in the reporters' gallery, one above the other. There is not presented to this Congress any plan whatever upon which it will have expressed any opinion when it votes down the sea-level canal. The field is left open for the President or for the engineers who may accord with him to go anywhere they please, provided they build a lock canal. The misfortune of the situation has been all the time that the President has not made any certain recommendations in regard to the canal, and no gentleman representing him has ever dared to present a bill to embody it. Here is some bill here reported by the committee. Why is there not some bill here reported by the committee, either a majority bill or a substitute for this——

Mr. HOPKINS. Will the Senator allow me?

Mr. MILLARD. For a moment.

Mr. HOPKINS. The bill presented here for a sea-level canal does not provide for four dams, it does not provide for the character of the lock on the Pacific side, and it is otherwise so imperfect that a canal could not be constructed under it.

Mr. MORGAN. That is no answer to my question. If the majority has reported a bill upon the accuracy of which the Senate can not rely, that is their fault. But the Senator will find he is greatly mistaken, because the bill does specify the very report that has been made by the majority of the Board of Consulting Engineers.

Mr. MILLARD. I am informed by ship owners and builders that it is reasonable to expect that within the next fifty years the largest vessels may have a length of 1,000 feet, and the experience of the last thirty years would tend to confirm that view. A canal with locks of the increased dimensions suggested would admit the largest ships afloat for years to come and it must be evident that a sea-level canal, as now proposed, would be wholly inadequate for the passage of such ships.

The lock plan has an advantage over the sea-level plan in that the vessels may turn around in either lake and retrace their course. In time of peace and for commercial vessels this is not a matter of much consequence. It would seldom happen that a commercial vessel would have occasion to turn around in the canal, but for the vessels of war of the United States, during the existence of hostilities, the ability to turn around might be a matter of great importance. Suppose, for instance, a fleet of warships, possibly accompanied by transports, were to start through the canal from either direction. While the fleet is on the way news comes that a superior hostile fleet is approaching the opposite end of the canal, and that it is desirable for our fleet not to engage that of the enemy, but to retrace its course. How would the fleet turn around? Every vessel, be the number great or small, would have to be hauled stern foremost out of the canal into the sea in order to turn around; whereas in the lock type of canal each one could run into the lake and do so.

The sea-level canal as projected can not be regarded as a completed project. The alleged facility with which it can be enlarged is made one of the arguments urged in favor of it. But if the canal is to be widened and enlarged soon after its completion, is it fair to consider it a completed structure?

In speaking of the heavy rainfall on the Isthmus of Panama and the amount of water which would find its way into a sea-

level canal, in answer to a question (page 93 of the volume of engineers' testimony), Chief Engineer Stevens said:

Yes, sir; with numberless large and small mountain torrents—some of them, in flood times, veritable rivers—which must be taken care of, many of them coming directly into the canal, carrying in, as they must inevitably, silt, perhaps trees, mountain débris of all sorts, rocks, bowlders, etc.; so that I hardly think a comparison between the canal at Suez and one of the same dimensions at Panama is a fair one. This is the point that I wanted to make.

I also send to the desk, and ask that it be read by the Clerk, a statement giving the names of the more important streams which enter the site of the canal, the distance of the point of junction from the Caribbean end of the canal, the height above sea level of their junction with the Chagres, Obispo, or Rio Grande rivers, and the volume of discharge at high stage as far as observed or estimated.

Name.	Distance.	Greatest observed discharge.	Elevation at mouth above sea level.
	Miles.	*Sec. feet.*	*Feet.*
Aojeta	15.25	1,000	15
Agua Salude, right bank	16.30	2,306	25
Frijolito, right bank	17.36	1,000	20
Frijoles Grande, right bank	17.98	3,740	26
Agua Bendita, left bank	21.26	300	35
Caimito Mulato, left bank	22.32	300	35
Baila Monos, left bank	22.81	1,775	45
Culo Seco, left bank	23.87	300	40
Pisco, right bank	24.18	1,200	34
Juan Grande, right bank	25.11	1,200	33
Carabali, left bank	25.42	760	40
Quatre Calles, right bank	26.66	500	45
Obispo	27.90	3,700	160
Mandingo, left bank	28.80	1,500	45
Camacho, left bank	29.10	1,349	165
Sardinilla	30.30	800	165
Rio Grande, right bank	34.72	660	130
Mallejon, right bank	36.89	----------	33
Pedro Miguel, left bank	37.07	----------	15
Caimitillo, left bank	37.82	----------	13
Rio Cocoli	38.90	----------	----------
Rio Cardenas	39.40	----------	----------

There is a dispute over the estimated values of the lands which would be submerged by the lakes incident to the plan of the proposed lock canal; or, in other words, the overflow of Lake Gatun and Lake Sosa. The subject is treated of in the last chapter of the report of the minority of the Senate committee. The estimates made by the advocates of the sea-level plan touching the value of submerged lands are excessive; and the estimated cost thereof is cited by them as an item of expense that must be added to the total estimated cost of the proposed lock-level canal. I believe there is no ground for placing so high an estimate upon the lands that would be submerged. These figures seem to me to be altogether too high. It is to be regretted that a larger number of Senators have not been able to view the land referred to. I believe the Senator from South Dakota, who presented the majority report of the committee, and myself are the only Senators who have made a recent examination of the locality. My impression is that if any Senator on this floor contemplated purchasing the lands that may be submerged he would hesitate a great deal to pay $7.70 per acre, the price fixed by the Commission, and which I regard as more than fair.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. MILLARD. Certainly.

Mr. KITTREDGE. I ask the Senator what was the value of the crop exported last year from the land proposed to be submerged?

Mr. MILLARD. I do not know.

Mr. KITTREDGE. It exceeded $1,000,000.

Mr. MILLARD. Nor do I believe that the Senator from South Dakota would be willing to exchange twenty sections of the good farming lands in the county in which he resides for all the lands in the Canal Zone between Mindi and Pedro Miguel. It would be just as rational to compare the fertile lands of the greater part of Nebraska, worth $50 to $100 an acre, with the sand hills of the northwestern part of the State, which are of little value in comparison.

The lands on the Ancon Hill purchased by the Commission are, of course, worth much more money than the submerged lands.

A glance at the map of the city of Panama will very easily demonstrate the reason why this tract of land is far more valuable than any other land in the Zone proper, particularly any other land adjacent to Panama.

The city of Panama is situated on a peninsula, or "thumb," running into Panama Bay. It is surrounded on three sides by water, and the only direction in which the city of Panama can grow in the future is over and across the piece of land which was acquired by the Commission for governmental purposes. This land is at the base of the "thumb," so called, and immediately adjoining it on the northwest is the high mountain known as Ancon Hill.

The low-lying swamps are covered by the sea at high tide. To compare in value the trackless jungle, swamps, and lands of such character along the interior of the Zone with that of the tract of land which was acquired by the Commission at Panama would be about as fair as it would be to compare the relative value of the swamps lying along the seacoast in New Jersey, 25 to 50 miles distant from the water front in New York, with values of the high lands along the Hudson River at Weehawken, or opposite the city of New York; or to compare the best residence property which adjoins the thickly built up portion of Washington City with the swamps and marshes which may exist 20 to 50 miles from the site of Washington City down the Potomac River, and any attempt to compare favorably the localities cited would be based either upon ignorance or due to absence of a wish to be fair.

The minority members of the committee have refrained from importuning Senators in behalf of the lock plan as submitted, for it was assumed that every Senator had read the reports of the Commission, the engineers, the Secretary of War, and the views of the minority of the Senate committee. If I am correct in the assumption that Senators have given careful consideration to these reports, and to all the facts bearing upon the question, there can be little doubt of the defeat of the pending bill.

There is nothing in the reports of the engineers, nor in the testimony, raising a doubt of the practicability of the lock type as planned. On the other hand, there is much affirmative evidence that its utility is unquestioned.

The cost of a lock canal, counting interest at 2 per cent, would be less than that of a sea-level canal by $150,000,000 to $200,000,000.

The time required for construction would be much less, thus securing to the nation the benefits of an isthmian canal at the earliest practicable day.

The lock canal as planned would afford more rapid passage to big ships than would the other type, and it would afford also a greater degree of safety to ships, while the wider and deeper channels would minimize the liability of interruption to traffic.

It would afford a canal of greater capacity and therefore be of greater utility to the commercial world, as the sea-level plan contemplates a narrow canal of limited capacity.

Counting interest at the rate of 2 per cent upon the investment for either type, to operate and maintain a lock-level canal would cost less by some $2,000,000 annually as compared with the sea-level plan submitted.

It could be defended against an invasion as readily as could any other type of canal.

In summing up the matter the President said:

Each type has certain disadvantages and certain advantages; but, in my judgment, the disadvantages are fewer and the advantages very much greater in the case of a lock canal. The lock canal at a level of 80 feet or thereabouts would not cost more than half as much to build, and could be built in about half the time, while there would be much less risk connected with building it, and for large ships the transit would be quicker; while, taking into account the interest on the amount saved in building, the actual cost of maintenance would be less.

In concluding these brief observations I wish to say that after listening to the testimony with close attention during the session, after analyzing the written reports and considering them in the light of the evidence adduced, and after a personal survey of the line of the canal, I can not escape the conclusion that a lock-level canal, practically as planned, is far preferable to the sea-level type as proposed, even if the cost and time for construction of both types were the same. I do not think the country would be warranted in spending such enormous sums of money for a sea-level canal when many of the best engineers of the world have given it as the result of their deliberate judgment that a lock canal on the Isthmus of Panama would be of greater practical utility and can be constructed in much less time and for many millions less money. I am hopeful that Senators who have gone fully into the merits of the two plans will sustain the views of the minority of the Committee on Interoceanic Canals.

Mr. KITTREDGE. Mr. President, I make the usual inquiry whether any Senator desires to address the Senate upon the pending bill. In the absence of any request, or any intimation of that character, I present the following order.

The VICE-PRESIDENT. The Senator from South Dakota proposes an agreement, which will be read by the Secretary.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, June 15, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal, connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 4 o'clock p. m., when debate shall cease, and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. HOPKINS. Mr. President, I would want to consult a little longer before I could agree to that order. It is a matter the Senator from South Dakota has had under consideration with different members of the committee. I am not prepared to agree to it at the present time, but, as I said to him, there will be no delay in getting a vote. However, I am not prepared to say that we can take it on Friday.

The VICE-PRESIDENT. Objection is made.

Mr. KITTREDGE. I hope the Senator from Illinois will not insist upon his objection. It has been understood, by myself at least, that the Senator from New Jersey [Mr. DRYDEN] will address the Senate upon the pending bill on Thursday, and that on Friday the Senator from Pennsylvania [Mr. KNOX] will address the Senate.

Mr. HOPKINS. I will take the matter up with the Senator to-morrow. I wish to consult a little further before agreeing to a time.

Mr. KITTREDGE. I hope the Senator will not object to the granting of this order. The reason why I suggest that the date should now be fixed for Friday, is that Senators who are absent and desire to return to vote upon the pending bill may have an opportunity to do so, and if they are unable to return for any reason that they may have an opportunity to arrange pairs.

Mr. HOPKINS. I will say to the Senator that I am not prepared to-day to agree to it. I will see the Senator in the morning. If I find others are agreeable to the limit of debate as expressed there, I shall not interpose any objection, but I am not prepared to say now that I could agree to it, or that we could take the vote on Friday.

Mr. KITTREDGE. Of course in the face of an objection I am powerless, but I do hope that the Senator will not insist on his objection.

Mr. HOPKINS. I will say to the Senator I am not going to try to delay the vote, but I am not prepared to-day to agree to the specific time named.

Mr. KITTREDGE. In view of the fact that no Senator is desirous of speaking upon the unfinished business, I ask unanimous consent that it be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

STATEHOOD BILL.

Mr. BEVERIDGE. Mr. President——

Mr. PENROSE. Under the unanimous-consent agreement the Lake Erie and Ohio River Ship Canal bill is to be laid before the Senate.

The VICE-PRESIDENT. Under the unanimous-consent agreement the Chair lays before the Senate the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Mr. BEVERIDGE. I desire, with the consent of the Senator from Pennsylvania, to call up for consideration the report of the conferees upon the statehood bill.

Mr. PENROSE. I yield to the Senator from Indiana for the purpose of considering the conference report.

The VICE-PRESIDENT. The Senator from Indiana asks for the consideration of the conference report on the "statehood bill," so called—House bill 12707. Is there objection? The Chair hears none. The question is on agreeing to the conference report.

Mr. BAILEY. The motion to agree to the conference report is debatable?

The VICE-PRESIDENT. It is. The conference report is before the Senate, and the question is on agreeing to the report.

Mr. BAILEY. I desire to ask the chairman of the Committee on Territories if the conference report has made any change in respect to the location of the capital of the new State of Oklahoma?

Mr. BEVERIDGE. It has in the following particulars: It has located the capital temporarily at Guthrie, until 1913, provided that no money shall be appropriated or expended in the meantime for the erection there of any permanent capital buildings.

Mr. BAILEY. Mr. President, I shall not resist an agreement to this conference report, because I believe that the people of Oklahoma and the Indian Territory have already been denied admission to the Union altogether too long. For four years there has been no difference of opinion in the Senate as to their right of self-government as a State, and their just claims in that regard have been postponed to await some settlement of the vexed question with reference to New Mexico and Arizona.

I have never been able to see any political, geographical, or natural connection between the right of the people of Oklahoma and the Indian country to statehood and the same right of the people of New Mexico and Arizona; and I deeply regret that the conferees representing the House could not see their way clear to give to the people of Oklahoma and the Indian Territory their admission promptly and leave this question to be settled between Arizona and New Mexico hereafter.

I do, however, congratulate the Senate, and I congratulate the people of New Mexico and Arizona, that by our persistence we have at least secured to those people the right to determine for themselves whether they shall be admitted jointly and as one State or as separate States into the Union. If it be true that the Territory of Arizona is as much opposed to her forcible annexation to New Mexico as has been represented here, I have no doubt that her people will so express themselves at the ballot box, and thus end once and forever this attempt to unite her against her will to the neighboring Territory.

I shall look forward, too, to the time when even New Mexico, in her own right and as a separate political entity, together with Arizona in her own right and as a separate political entity, shall be admitted as States into the Union, and I sincerely hope that will terminate the struggle of Territories to become States.

If I could have my way, no State would ever be admitted into this Union after those two Territories become Commonwealths. I would settle for all time the problem of the mixed and alien races who now live under our flag and inhabit territory which belongs to us, but which is not treated as a part of us. I would say to them frankly that they can never be admitted into the sisterhood of States; and then I would supplement that denial of all hope on their part of ever becoming States of the Union by allowing them to erect their own governments and pursue the destiny of their own people in their own way.

I would make this Republic a homogeneous one. I would make this Republic a government in which every part by physical contact touched some other part. If I made a single exception to this rule, that single exception should be the Territory of Alaska.

Mr. President, whatever the future may hold for these dependencies and whatever uncertainty may attend their course, the American Congress makes no mistake when it admits to full fellowship in the Union the new State of Oklahoma. Her people are of our kind. They have gathered there from every quarter of our common country, and they have brought with them the highest sentiments of patriotism and integrity from the communities in which they were born.

As no State in the history of the Republic was ever made to wait so long for membership in the Union, so it will happen that no State has ever so rapidly risen to a position of importance and influence in the councils of the nation.

It will be a novel spectacle to see a new State recently admitted equal here, as the great and the small have always been and must always be equal in this Chamber; but in the other branch of Congress this new State will have a representation equal in intelligence and superior in number to some of the ancient Commonwealths.

With her population, with her wealth, with her resources, Mr. President, it does look like she might have been permitted to select her own capital in her own way, and order her domestic affairs according to her own will.

Not only, sir, is she the greatest ever admitted, but you compel her to come into the Union with badges of dishonor and incompetency never before put upon a Commonwealth. You have written it in the enabling act that her people are not to be permitted to deal in their own way with the most vital of all police questions, the regulation of the sale of liquor. If there be one question above all others essentially pertaining to local government, it is the right to determine whether or not intoxicating liquors shall be sold and, if permitted at all, the circumstances and conditions under which the sale may be conducted.

But you have denied that sovereign right to this sovereign State, and you command her to write into her organic law, not the provision which accords with the will and judgment of her people, but the provision which accords with the will and judgment of people in other States. And that yoke of bondage has been put upon her by many Senators who come from States where no such law exists with reference to their people.

I said on another occasion that I am one of the few Senators in this body who, when the question was submitted to his people at home, have supported a constitutional amendment to prohibit

the sale of intoxicating liquors, and I am by that action precisely as a friend of mine was about leaving North Carolina—if it was to do over I would do the same thing. But, sir, while I am ready to decide that question for the people of Texas, when it is submitted to them, I protest that the people of other States have no right to say how we shall decide it or when we shall decide it, or whether we shall decide it at all. It is for us to say; and you ought to have left it for the new State of Oklahoma to settle in her own way.

Do you believe she would say what you have said she must? No; for if you believed it, you would not have required it in this enabling act. The very fact that you demand of her to incorporate in her constitution this provision is a testimony that, without your command, she would not adopt such an ordinance.

The pretense—I will not say "pretense," because it is offensive to talk about Senators pretending; Senators do not pretend, and there is enough of false accusation against the Senate and Senators from those who know no better, without my joining in the unjust clamor. Withdrawing that offensive word, I substitute it is argued that the justification for this course lies in the fact that the Government owes some obligation to the Indians. So it does; and it owes them a much higher obligation than it ever has discharged. But I remind Senators that the Indians in that country now are American citizens; and if you want to live up to the spirit as well as the letter of the Constitution, you must make no distinction between American citizens on account of their race or their color or their previous condition. The Indians are American citizens, and yet you treat them as children; either it was a wrong to make them citizens when you did it, or else it is wrong to treat them as children now. One or the other must be true. But even if the Indian, panoplied with all the rights of an American citizen, is still to be treated as a child, I appeal against the proposition to deny a million and a half of intelligent American citizens the right to exercise their own judgment in a matter peculiarly local, simply because there happen to live among them something like 50,000 Indians.

But, Mr. President, I waste my breath and I waste the Senate's time. I know, of course, that nothing I could say would induce the Senate to take that obnoxious provision out of the bill. I know that nothing I could say would induce the Senate to amend the capital provision. Therefore I forbear to say more than that, with all the objections I have to this Federal interference with local affairs, I rejoice in an opportunity to vote for a report that at last makes a tardy recognition of the rights of that million and a half of American citizens.

Mr. MONEY. Mr. President, if I have never offered any remarks or suggestions on this question of these united Territories coming in under single statehood it has not been because I have never thought of the subject, for it is an old one. The Territory of New Mexico has been ready to be admitted into this Union for now nearly fifty years. For my part, I am unable to see why the two Territories of Arizona and New Mexico should be permitted to vote as to whether they shall be dragged into the Union with one another reluctantly or not, and why the two greater Territories, Oklahoma and Indian Territory, with four times their population, should be united without leaving it to them. I have yet to see a single soul or to get a single letter or telegram out of the many hundreds I have received that has ever expressed a desire on the part of anyone in the Indian Territory to be united with Oklahoma, except when separate statehood failed. They have asked for me to vote for the Territories to be united in one State only because they have been so persistently told that they could not get entrance to the Union separately.

The Senator from Texas [Mr. BAILEY] has told you that here are a million and a half of people. He might have added 300,000 more, as I am informed there is that number in the Territory, covering more area than New England; and the proposed State will have as many votes as the State of Mississippi in the House of Representatives when it is admitted; and yet those Territories are compelled to come in here as one State, whether they will it or not. You are not voting to please the people of the Indian Territory when you bring them in with Oklahoma. I do not admit the right of Congress to do this. I do not deny the power of Congress to do it; but I deny the right. Here are two great Territories, with a great population, greater than that of at least fifteen States of this Union, and yet they are to be compelled to come into the Union as one State; and, I am sorry to say, by Democratic votes, as well as by the united vote of the Republican side of the Chamber.

Mr. BAILEY. Will the Senator from Mississippi permit me?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. MONEY. Certainly; of course.

Mr. BAILEY. The Senator from Mississippi forgets that these Democratic votes were first cast for two States. Two years ago the Senator from North Dakota [Mr. MCCUMBER] offered an amendment to the bill then pending providing for two States to be formed out of the Territories of Oklahoma and Indian Territory and I, I believe in common with almost all of the Democrats, voted for that; and only when that failed did the Democrats all agree that those Territories had better come in as one State than not to come in at all.

Mr. MONEY. Mr. President, I had not forgotten what the Senator from Texas has called to mind; I had not forgotten any part of this struggle of great communities to take their rightful place in the galaxy of States. If we voted against joint statehood then, we should vote against it now for identically the same reasons. The plea or the reason or the argument that compelled us to do it then, and which will compel some Senators now to vote for this report, has no force now, and is an invalid one. These Territories have waited, and they can wait. They will take such action independently if they are not compelled to come in now as one State. This measure is beyond the reach of Congress, in one sense of the word at least.

I recall the fact that when the people of California organized as a Territory and held a Territorial convention they sent their constitution here, and they were rejected by Congress as a Territory. California responded to that challenge by holding a State convention; and she was admitted as a State, without ever having been recognized by Congress as a Territory.

There is another thing about this. In the interest of fair play, in the interest of that equilibrium of power which the New England States especially struggled for in the Constitutional Convention, in the interest of that equipoise which Connecticut contended for, and which she secured, of two Senators from each State, and with no power to deprive a State of its equal representation in the Senate, except with its consent. That was the very last act of the Constitutional Convention. It was to preserve the power of the States as such. When the Louisiana purchase was made, Josiah Quincy announced upon the floor of the House, after it was consummated by an act of Congress, that it would be a sufficient cause for the secession of the New England States; that by that act, by the accession of new States, they would be denied their equal power in the Confederacy. Now, I want to say to Senators plainly and unequivocally, without any intention of causing offense, that if these two Territories had been in the North not a man on that side of the Chamber would have voted to unite them as one State.

When Dakota applied for admission, having about 200,000 people, she was divided into two States so as to get four Senators at Washington. There are now a dozen Western States that have not the population to-day of the Indian Territory; and there is not a single Senator on the other side who will admit now that he would vote to unite two Territories lying north of Mason and Dixon's line with a united population of 1,800,000 souls—not one of you gentlemen would do so.

I want to say that this whole movement in relation to the admission of these two Territories is to prevent the accession of Senators upon this floor. There is a feeling that there is now a sufficient number of Senators, and probably too many. A small section of the United States, by the dominating influence of its character and its intelligence on this floor and elsewhere, has succeeded in binding the States of the West and East to its chariot wheels of power, and they have marched together under the protective tariff and other devices of legislative skill to a great summit of prosperity. Mere vassals have been brought in, and not coequal States. Because these Territories happen to lie to the South, this measure is forced upon the country and forced upon these two Territories by the Republican majority, assisted by the Democrats on this side of the Chamber. I do not know that there is a single man here who will vote against this report except myself. I never will sanction an outrage of this sort. However inevitable it may be, it shall not have my indorsement. I say that it is a subject of just indignation among the people of these two Territories that they have been compelled to say that they want joint statehood because they have been continually threatened with exclusion from the Union in their relation as States.

Now, Senators, this measure will pass, as I know. I am not saying anything to prevent it; but I simply want to speak my opinion freely about it. I say that every man in this Chamber who votes for it, whether he be a Democrat or a Republican, is guilty of exactly the same offense against the people of those two Territories.

Why Arizona and New Mexico should be compelled to vote

upon the question of whether or not they are to be united is not a measure that ought to be held to their lips. Each one of them is entitled upon its own merits, from every point of view—from the standpoint of territorial area, of population, of wealth, and especially in the prospective strength of population—to admission as a free and independent State.

The conference committee and the Republican part of the Senate have placed conditions in the constitution of the proposed State of Oklahoma which every single Senator here knows the very moment that Oklahoma becomes a State of this Union will pass for nothing. This Congress can not impose conditions upon a Territory asking for admission that are worth one cent when she has been admitted. When she has entered the Union, she is at that moment the peer of every other State in the Union, and no condition can be imposed upon her that does not rest equally upon every one in the whole sisterhood of States. To make it difficult for those people to take a view of social and domestic matters different from your own, you have embedded certain conditions in the constitution of the proposed State of Oklahoma, because you know it will be more difficult to take them out of the constitution than to put them in. It is an exhibition of that officious, intermeddling character that intrudes itself into everybody else's affairs, of that cant and hypocrisy that undertakes to examine the sins of other people and provide against them, while perfectly unconscious of any guilt in itself. This miserable and detestable feature is the worst thing in this measure, as the people of Oklahoma and Indian Territory are compelled to-day by a people who literally care nothing for them, as a matter of fact, and by a prurient desire to constantly interfere officiously with people and to regulate their affairs, whether they be social, domestic, or political.

The people of these Territories can guide themselves. They are sufficient to-day for their own control. I, for my part, having visited every part of this Union, would not give a hundred thousand men in the West for five hundred thousand men in the East. In all of the elements of manhood, in enterprise, in courage, in adventure, in self-respect, they are the equals of one to five, and they can take better care of their morals than can the effete East.

I tell you to-day the criminal statistics of that western country will compare most favorably with those of the great centers of population in the East. You take the history of the East everywhere and see the absolute lack of self-control in that section that has engendered here in the Senate a desire to hedge about a capable and self-respecting people with that control which those who seek to exercise it feel to be absolutely necessary at their own homes. Gentlemen forget that communities in some places may require blue laws and sumptuary laws and restrictions, but that there are other communities that still maintain their individuality and their manhood and that require nothing of the sort. They are quite sufficient for themselves; and I resent this thing for them, as I would resent it for the State of Mississippi.

These Territories have the right, and every organized society has the right to regulate their police power, to look after the health and morals of the community. There is no power anywhere to deny that, and if it is denied it is an unconstitutional denial; it is the denial of a right that is not only constitutional, but it is natural, it is inherent, and it is inalienable.

Senators may vote as they please here, but it will not affect the case at all. In my opinion, the people of the proposed State can assert their rights whenever they choose. I do not speak here to-day as an advocate or the opponent of temperance or prohibition. I have done my part in this life by always having been a temperate man. I voted for a "dry" ticket in my State, but I would not vote, as the Senator from Texas [Mr. BAILEY] says he would, for an amendment to the constitution of the whole State for prohibition or for anything else, because that would be a denial to the counties, which are the integers of the State, of their right of regulating the police power and to say what is best for them. I say that every single community in the world, every organized society, nay, every unorganized society, every settlement and neighborhood of farmers have a right to control their police matters, so far as health goes and so far as organized society goes, as to morals.

Mr. President, I did not intend to say anything on this matter at all, as I have been silent throughout the discussion; but I did not want this measure to pass, as I have to stand alone in my position, without giving the country the reasons which actuate me. I have no desire to debar the citizens of the Territories from their relation as States in this great galaxy. On the contrary, I have always—and I have been here a long time, in one or the other of the Houses—advocated and voted for the admission of every Territory that knocked at the door of the Union for admission. I have always said that the guardianship of a great community by the other great communities was not a normal feature of our institutions. They are all based upon local self-government, upon the sovereignty of the State, upon the knowledge and the capacity and the right of each community to govern itself exactly as it pleases. Take that away, and the whole proud fabric and superstructure of our liberties tumbles to the ground. So in every case I have always voted for the admission of a Territory, and I cared not what its population might be. I knew that in the near future its population would be enough to meet the requirements of the Constitution as to the representation allotted to the Members of the House according to the last census.

So I have continued to desire, and I desire now, that they should be admitted, but I will not consent to the doctrine that this Congress has a right, or that there is a reason that is valid and sound and a fair one, to unite such Territories as Oklahoma and the Indian Territory, embracing a population of about eighteen hundred thousand souls, into one State without asking their consent. The consent that has been given has been an enforced consent. It was not the wish of the people of the Indian Territory. Perhaps it was the wish of Oklahoma, with a desire to reach out and aggrandize itself as much as possible—a natural desire I will admit, but at the same time an encroachment upon the rights of their neighbors in the Indian Territory.

The people in the Indian Territory, I venture to say, are the equals of any people in the United States. I believe more people have gone there from Mississippi than from any other State in the Union, and that alone is a sufficient guaranty of the character of the people of that Territory. People have gone there from Texas, from Arkansas, from Tennessee, from Kentucky, and a great many have gone there from the North. They are hardy pioneers, willing to blaze the way and establish civilization. Towns have grown up like magic there, and everything has demonstrated the absolute capacity of those great people to govern themselves.

The foreigners are hardly to be noticed in that country. There are Indians there, but there is hardly an uncongenial foreign ingredient compared to the black population of Mississippi of 300,000 majority over the whites. If we could deal with this body of incompetents, with their incapacity to govern, how easy it would be to take care of 100,000 Indians of pure blood still in that Territory, who have those high characteristics of manhood and of self-respect that would entitle them after a while to assert all the dignity of citizenship, into which they have been received by acts of Congress and which they themselves have accepted by dissolving their tribal relations.

Mr. President, this Congress has no right, although it has the power, to pass this act. These people should be permitted to say, not with the threat hanging over them that they shall not come in at all unless they come in as one State, but to say freely whether or not they desire to unite. If that opportunity were allowed to the people of the Indian Territory, you would find an expression in the negative that would astonish those who have been accustomed simply to hear it iterated with damnable iteration on this floor that these people want to come into the Union as one united State.

The people of the Indian Territory desire nothing of the sort, though I believe the people of Oklahoma would like to come in with the Indian Territory under the name of the State of Oklahoma. I think Oklahoma has been reaching out for spoil, naturally, as I say, thereby exhibiting a characteristic that belongs to all nations of the world. They all desire to extend their borders; but there is no such land-hunting, land-robbing, land-grabbing, and land-stealing people on the face of the earth as the Anglo-Saxon. They have taken every rock big enough to plant a cabbage on; they have taken territory on every continent, and every island of the sea, and they have held it with the grip of death. They want land; and as it is with the great English-speaking people so it is with Oklahoma. They have reached out to grasp the Indian Territory and have drawn it to their bosom. That greed for power has found its echo here in this Chamber, and these men are to be confirmed in their right to take in the Indian Territory.

I say again, Senators, that in all my communication with the Indian Territory—and it has been very great—I have not found a solitary man who in the first instance desired a union with Oklahoma. Those people desired separate statehood. But they were informed over and over again by the Republicans, especially by the officers of the Territorial government, appointed by the Republican Administration, and afterwards had it echoed to them by Democratic Senators, that they could not secure admission in any other way. So they said, "Well, we will do anything to get in." Why? To relieve themselves of the appointees of the Administration who have gone there. They said,

"Anything to relieve us from the body of this death; anything to put in our hands the right to control ourselves." I for one would prefer that they should wait longer and get their due, their certain just right to come into this Union exactly on a par with the other Territories that have been admitted as States.

If Dakota had been in the South it would have been admitted as one State, with two Senators. Washington and Utah would have been called upon to enter the Union as one State, with two Senators; and if Oklahoma and the Indian Territory had been North, it would have been admitted as four States, and with eight Senators out of that great population and that fine Territory. Yet it is fair play. It is a game of politics, and the weaker must lose. We lose, Senators. We submit to this decree. Our heads are bloody, but they are not bowed. We still feel the injustice of this movement; we still feel that it is a discrimination against our section, and that this act, which is to-day to be approved, is an act that is extremely sectional, extremely political, and is a blow at the equality of the southern part of this Union to equal representation in this Chamber.

Mr. FORAKER. Mr. President, this is the first time for a long while—I believe it is the first time since I have been a member of this body—that I have heard a speech pitched on a sectional key. I do not want to say very much in answer to it, but I do want to say to the Senator from Mississippi [Mr. MONEY] that there is, in my opinion, no occasion for the turbulent condition into which his mind seems to have passed. I say this with the more freedom because I have been in accord with the Senator from Mississippi all the while as to separate, rather than joint, statehood for the two Territories of Oklahoma and Indian Territory. I spoke in favor of that proposition in one of the preceding Congresses, when we had a bill of that kind under consideration, and I tried very hard at that time to get an opportunity to vote for it. I have supported this bill in this respect, and I intend to vote to accept this conference report, notwithstanding these two Territories are jointed together, not that politics has anything to do with it, but because the best interests within our power to subserve require it.

Having the attitude with respect to this matter that I have maintained, I think I have heard as much as any other Senator in this body of the reasons why Senators on this side of the Chamber have voted to join those two Territories together as one State, and I do not think I have heard any Senator on this side of the Chamber give politics or political advantage as a reason.

Mr. President, the Senator talks as though these two Territories are Democratic in their politics, and that the Republican members of the Senate are seeking to obtain some kind of an improper advantage by consolidating them and making only one State of them, so that it can have only two Senators. Perhaps the Senator has not been reading the election returns from Oklahoma. There have not been any returns from the Indian Territory. But in Oklahoma, from the very beginning of the organization of that Territory, from the very beginning of the time when they commenced to vote, the Republican party has been constantly gaining strength. It was found to be a Republican Territory by the vote of 1902, again in 1904, and I have before me, having sent to the Library for it after the Senator made his remarks, the report of the election of last year, when they elected a legislature. The result of that election was eight members of the council, or senate, Republican, and only five Democratic; fifteen Republicans in the house as against eleven Democrats, making a Republican majority of three in the senate and four in the house, or a Republican majority on joint ballot of seven. So it is that Republicanism is gaining all the while. Politics had nothing to do with this provision, for according to the latest indications we would have gained by having them come in as two States.

Mr. MONEY. Will the Senator from Ohio permit me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. MONEY. The Senator thinks I have not been reading the election returns. I am quite familiar with the election returns, and I want to say to him that I do not know of any Territories that do not take the complexion generally of the Administration which appoints the officers who conduct those elections. It is quite common. If the Senator will pardon me, I fully expect every one of these Territories to send Republican Senators and Republican Representatives when they are admitted into this Union, and I do not expect them ever to repeat it.

Mr. FORAKER. I have observed when a Territory or a State takes on the Republican political complexion it generally retains it.

But however that may be, what I wanted to call the Senator's attention to is the fact that I have not heard the reason assigned by him urged by any member of the Senate on this side of the Chamber. The Senator will remember that when Oklahoma Territory was created it was provided in the organic act that Congress reserved the power to reunite, for purposes of statehood, the two Territories, or to deal with them as Congress might see fit. While there has been some objection manifested to a union of the two Territories, there has been comparatively very little. The petitions that I have been receiving have been, as a rule, in favor of joint statehood; certainly in favor of joint statehood if they could not get separate statehood without a contest and without further delay.

But, Mr. President, it was not my purpose to speak particularly of that. Now, I want to say, in answer to the Senator from Texas, that I think he has given more force and effect to this provision prohibiting the sale of intoxicating liquors than he was warranted by the text in giving to that provision. One hearing the Senator speak would have concluded, I think, that there is a requirement in the enabling act that the State of Oklahoma shall put in her constitution a prohibition against the sale or barter or giving away of intoxicating liquors to anybody within the new State of Oklahoma, to be composed of the two Territories. The Senator will find, if he will take the trouble to look at the text, that the provision is not so broad; that it is so narrow and has such a manifestly proper purpose that I think the Senator upon reflection would not find so much fault with it, at any rate, as he has expressed. The provision is:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited: *Provided*, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes, of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

Mr. President, I am not a member of the Committee on Territories. I have not had this bill especially under consideration. I have given very little attention to its provisions with respect to Oklahoma and the Indian Territory. I have been giving some attention to its provisions with respect to Arizona and New Mexico. But what little I know in a general way of the character of these Indians, notwithstanding the fact that we have been dissolving the tribal relations and allotting to them real estate, leads me to think it an eminently wise provision that we should in creating this State require that there shall be a positive prohibition against intoxicating liquors being furnished to them either by sale, by barter, gift, or otherwise. I do not think, Mr. President, that the Committee on Territories, who have brought this measure before us, need any defense as to this matter that they themselves can not make. I do not think anybody needs any defense for the making of a provision of that character. It is true these Indians, I suppose, are not in a wild state, but they are Indians still, although the tribal relations may be dissolved, and although we are proposing to make citizens of them.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hamphsire?

Mr. FORAKER. Certainly.

Mr. GALLINGER. I will say they are always wild when they are drunk.

Mr. BAILEY. That is not a peculiarity of the Indians.

Mr. GALLINGER. Yes; it is more than of a white man.

Mr. BAILEY. White folk get as wild as Indians when they are drunk.

Mr. GALLINGER. Not quite.

Mr. FORAKER. Some white folk are liable to.

Mr. BAILEY. And some Indians, too.

Mr. FORAKER. But whether white folk do or not, we know the Indian is a pretty unsafe character when under the influence of intoxicating liquor. I think instead of the conferees being criticised they ought to be commended for that provision. I think it is wise.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. That is not precisely a criticism against the Senate conferees, because that provision was in the House bill when it came to this body, and I intended to complain against the bill rather than against the Senate conferees.

Mr. BEVERIDGE. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. I so understood the Senator from Texas, because I knew that the Senator knew what he has just said and also that the widening of the provision was made in the Senate and not in conference.

Mr. FORAKER. I did not know about that. I was only trying to employ language that would be broad enough to cover the Committee on Territories and the conferees and everybody else who was entitled to take credit for it, for I think it is a creditable provision to put in the bill.

I wish to say another word. I was opposed to the former conference report when it was brought in here some days ago because of its provisions with respect to New Mexico and Arizona. At the time when that conference report was brought in it was published all over the country in the newspapers, and particularly in my own State, that the conference report was based on what was known as the "Foraker amendment" of last year; that it had been adopted in precisely the same language, etc. And then followed, a day or two later, some very harsh criticisms of me, particularly in my own State, because I was not satisfied with that conference report and insisted upon something else. I was not satisfied with that, and I am not entirely satisfied with this, but I am so well satisfied with it that I intend to support it.

But the difference between the amendment of last year and the amendment of this year, which is the basis of this conference report, is a very wide difference. I can best make it plain by calling attention to what the bill was that we had before us last year in this particular. It provided, with respect to Arizona and New Mexico, that they should be joined together and admitted into the Union as one State. Then it provided that the governors of those two Territories should, within thirty days after the approval by the President of that enabling act, issue a proclamation ordering an election of delegates to a constitutional convention, to be held on the tenth Tuesday after the approval of the act, and until that date was given by the provisions of the act for the registration of voters and the making of the needful and proper preparations for the vote to be taken upon delegates to the constitutional convention. Then it provided that the convention might remain in session under pay for the term of sixty days in the work of framing the constitution; that they should not be required to meet until the fifth Monday after they had been elected, and that there should be a reasonable and proper time given for a vote to be taken upon the adoption of the constitution.

That was amended by the adoption of an amendment which I offered, so as to insert in the provision as to the vote on the constitution that there should be a majority in favor of the constitution in each of said Territories. That amendment was offered without as careful consideration as should have preceded it. When the matter came up this year there had been more time for consideration, and instead of offering that amendment, I offered the amendment of this year, which provided that there should be, as a first step in determining whether or not there should be joint statehood, an election at which every qualified elector in the Territories should have a right to vote directly on the question of joint statehood—for it or against it. The provisions in other respects were very similar to those of the preceding year.

When the conference report of a few days ago was brought in it provided that within twenty days, instead of within thirty days, after the act should be approved by the President the governors of those two Territories should issue their proclamations calling upon the proper officials to make registration lists of all the qualified voters in the two Territories. This registration was to be completed within thirty days. The election of delegates to the constitutional convention was to be held almost immediately afterwards, on the fifth Tuesday after the act was approved by the President. The delegates so elected were immediately to meet in Santa Fe, and they were within thirty days thereafter to frame and submit a constitution.

It seemed to me, in other words, without specifying further, that there was an undue hastening of the procedure all along the line, and then, what was more objectionable still, was the fact that it provided that there should not be any vote directly on the question of joint statehood, but only a vote on the question of adopting the constitution, and if there should be a failure of a majority in either Territory upon the question of adopting the constitution statehood should be defeated, but not otherwise. That amendment, for the reasons I have indicated, was not satisfactory, but there was another reason still. I have contended all the while, as other Senators have, that if there was to be joint statehood of those two Territories, with the protests against it coming up to us which we have been receiving from Arizona, the people of those two Territories should not only be allowed to vote on the question, but if they were to be allowed to vote they should be allowed to vote before their representatives were required to meet together in joint convention and frame a constitution. They should not be required to frame a constitution until they knew whether or not they were going to need it. It seemed to me to be an illogical sort of an arrangement, with the feeling existing, with the opposition on the part of the people of Arizona, not to say on the part of a good many people living in New Mexico, according to my advices, to require them to meet and frame a constitution before they had determined that they needed one.

Therefore I was not satisfied with that report. I accept this report, Mr. President, because it gives thirty days after the passage of this act and the approval of it by the President for the issuance of the proclamations of the governors calling for the election of delegates to the constitutional convention, and that election is to be held in November next, and then when the delegates assemble in convention, if they ever do, they are to be allowed sixty days—twice as much time as was given under the other report—in which to do the very important work of framing an organic law. The time will prove none too long, I imagine, judging by the experience we have had in our State in making constitutions. We have tried it two or three times, and we have never been able to finish in anything like that period.

Now, in addition to everything else, we save the expense of a special election, for the provision of this conference report is that the vote is to be taken on the question of joint statehood at the regular general election to be held in the Territory for the election of Territorial officers on the 6th day of next November. Everybody can be in attendance without any expense or any trouble, except only that which the people would go to anyhow to attend the regular election. At that election a ballot is to be furnished to each voter which will enable him to vote upon the direct question whether or not he wants joint statehood. Thus we get an expression upon this direct question. At the same election, under the provisions of the conference report, they can elect delegates to the constitutional convention, to take office, if there be in each Territory a majority vote in favor of joint statehood, and frame a constitution. Otherwise the election to go for naught.

It seems to me that, under all the circumstances, this is a fair and just adjustment of the controversy, and I hope the conference report will be adopted.

Mr. PATTERSON. Mr. President, being a member of the Committee on Territories and a minority member of the committee of conference, in view of what seems very much like criticism upon the result of the labors of the conference committee, I think I should not permit this matter to close without saying a few words.

To be sure, a minority member of a committee of conference such as this is not a very enviable position. A minority member is soon given to realize that he is a sort of vermiform appendix. He has no particular function to perform, except to irritate the body of which he is a part. I sometimes think that a surgical operation might as well be performed to eliminate minority members of committees of this kind.

In what may be termed the unimportant features of the bill, although every feature is necessarily important to the Territories concerned, the minority members had their say. But when the real statehood question was reached—the details of the submission of the question of joint statehood for New Mexico and Arizona—we were called in only after the work was done and the fiat of the majority was ready to be proclaimed. To a certain extent we have given enforced acquiescence to it. But to the main propositions contained in the measure we gave most cheerful and hearty acquiescence. To that part of the report which will make certain the statehood of Oklahoma within a reasonable time the minority members of the conference are in most hearty accord. To that part which prohibits joint statehood for Arizona and New Mexico until there shall be an election held under reasonably favorable circumstances we also give our hearty accord. So as to these features of the conference report I am inclined to think the minority members give more hearty support to the report than do the majority members.

But, Mr. President, with reference to joint statehood for Oklahoma and the Indian Territory, I do not regard that as a hardship at all. It is simply the reuniting of parts, united originally, that I believe were intended to be reunited in statehood. Oklahoma was carved out of the Indian Territory, and in the bill creating that Territory it was provided that as rapidly as the tribes left in the Indian Territory ended their tribal relations the land they occupied might be added from time to

time to the Territory of Oklahoma. So I am inclined to think, if we can gather information from legislation of years ago, that it was the anticipation of Congress when Oklahoma became a State the Indian Territory would be united with it—that is, if by the time Oklahoma became a State the tribal relations of the Five Civilized Tribes had ceased and the Indians had become citizens of the United States.

Then again, Mr. President, the joint Territories of Oklahoma and the Indian Territory make a State much less in size than any State which has been admitted into the Union for thirty-five years—hardly half the size of Colorado, not a fifth the size of what would be the State of Arizona if New Mexico and Arizona should be admitted as one State. In addition to the smallness of the area, the information I received from both Territories is that their white population were quite willing, and the great bulk of it were extremely anxious, that their anomalous condition should be ended and that both Territories should be united in one State.

Therefore, Mr. President, I acquiesce with great cheerfulness in the part of the report that makes one State out of Oklahoma and the Indian Territory, and I am inclined to think that I speak for the great majority of the Senators upon this side of the Chamber when I say that they also acquiesce in that part of the report. We have all stood for either the admission of Oklahoma and the Indian Territory as two States or for the admission of both Territories as a single State. Our labors and desires and influence have been from the very first in behalf of the admission of both either as separate States or as a single State. Accepting the logic of the situation, I think I can safely say we are on this side of the Chamber now an harmonious whole for the reception of the new State of Oklahoma as is provided in the conference report and in the bill that passed the Territorial Committee of the Senate.

Mr. President, as to Arizona and New Mexico there is no doubt that every member on this side of the Chamber, with one possible exception, has been from the first in favor of the admission of each as a State in the Union. We have believed from the time this discussion commenced that each had the area, the population, the wealth, and the civilization that are necessary to make each of them a State of which the entire country might well be proud; and therefore almost as a united body we have stood contending here and before the country for the admission of each of them as separate States.

I have been particularly impelled to this by reason of the provision creating Arizona a Territory, for therein it was most solemnly provided that the government of Arizona should continue until the people of that Territory applied to Congress for admission as a State. I regarded the joint-statehood proposition for these Territories as an open and almost inexcusable violation of an obligation that was imposed upon all succeeding Congresses by the Congress that created Arizona Territory, and that it should not be ignored. For that reason we fought to the last ditch, it may be said, in opposition to everything that was intended to forcibly unite them.

To the first conference report, I think, this side of the Chamber was opposed as a body, because it did not submit to the people of each Territory, fairly and squarely and without duress, the proposition of joint or single statehood. In any event, Mr. President, without going into details, as did the Senator from Ohio, no Senator could read the provisions of that report without recognizing that there was no fair time given for registration or for the formation of a constitution or for a proper understanding of a constitution before everything would have to be voted upon next November.

In addition to that, by reason of the peculiar language of the law providing for registration, it was clear to me that upon the final vote upon both the constitution and for officers at least one-half of the legally qualified voters of Arizona would be disfranchised.

But, Mr. President, so far as the provisions of the present conference report go, they, I believe, secure to the people of both New Mexico and Arizona as fair an opportunity as could have been expected for the voters of each to express their desires upon the question of joint statehood. There is nothing that will interfere with a full and free expression of the views of each of those Territories except the fear, which must always be present, that unless they do accept joint statehood they may be kept out of the Union for a great many years to come.

But, Mr. President, I do not believe that such will be the case. If the result of the submission of this question to the voters of the two Territories shall be such, as both sides of this question anticipate, if we may judge of their anticipation by their statements, joint statehood will be overwhelmingly defeated not only in Arizona, but in New Mexico. One good result of the submission of this question to the voters of Arizona, if such shall be the result of the election, will be that neither the Senate nor House will have the hardihood to again attempt to coerce the people of these two Territories into a joint relation that neither desire and that both at heart abhor.

I have no question, Mr. President, but that when the next Congress meets, if the result of the vote shall be such as is predicted, bills for the admission of these two Territories, each to be a separate State, will be introduced and will be passed with little or no controversy.

Mr. President, like the Senator from Texas, I stand here now in behalf of the people of the country to welcome the new State of Oklahoma into the Union of States, and I believe that before another Congress has expired we will be able to welcome the people of New Mexico and Arizona into the Union as inhabitants of two separate, distinct, great, and independent Commonwealths.

Mr. FORAKER obtained the floor.

Mr. STONE. Mr. President——

Mr. FORAKER. Will the Senator from Missouri yield to me just a moment to correct a mistake I made when I was on my feet a moment ago?

The VICE-PRESIDENT. The Chair has recognized the Senator from Ohio.

Mr. STONE. I would yield to the Senator from Ohio anyhow.

Mr. FORAKER. When on the floor a moment ago, replying to the Senator from Texas about the provision as to prohibition in Indian Territory, I made the mistake of picking up the wrong bill. When I came to read the provision I read from the bill of last year. The provision this year is in legal effect, generally speaking, practically the same, but it is much longer and goes much more into details. I ask simply that it may be incorporated in the RECORD without stopping to read it.

Mr. MORGAN. I ask that it be read.

Mr. BAILEY. I suggest that the Senator will have the right to print it where he read the other provision.

Mr. FORAKER. No; I think it would be better to go in just as it is, because the remarks I made with respect to the other might not exactly fit this provision.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio to insert in the RECORD the provision he has sent to the desk?

Mr. MORGAN. Mr. President, I rise to a question of order. I ask that the matter which has been pointed out by the Senator from Ohio, and which he asks to be inserted in the RECORD, may be read.

I wish to make a remark in this connection, Mr. President. Not having been on the conference committee, I shall have to give the excuse to my constituents that I do not know what it is, and I find that the Senator from Ohio did not know what it was.

Mr. FORAKER. I hope the Senator will allow me to say to him that I think that is hardly called for. I was speaking of the general provision, and when I came to read it, having both bills on my table, I by mistake picked up the wrong copy.

Mr. MORGAN. That was very natural, because our tables have been covered with different editions of this measure from day to day. We do not know what is in this bill, and there is not a Senator on this floor to-day, unless he is a member of the conference committee, who can get up and tell the Senate what are the provisions of the bill.

I wanted to suggest that, inasmuch as this is a great matter and inasmuch as under the prediction of the Senator from Texas it is to be the last vote we shall ever take, probably, upon the question of statehood, the Senate of the United States can be indulged in time enough to have this bill printed as it comes from the conference committee.

Mr. KEAN. It has been printed.

Mr. MORGAN. I do not mean merely the report, but the bill with the amendments properly printed in the text, as the rate bill was printed as it came from the conference committee, so that we can be allowed to take it up with some composure and with some idea of what it contains, and pass upon it as becomes gentlemen who are dealing with the highest function of Senatorial power in the United States.

Mr. STONE rose.

Mr. MORGAN. Will the Senator from Missouri excuse me just a minute?

Mr. STONE. With pleasure.

Mr. MORGAN. Mr. President, if we were here making a declaration of war concurrently with the House, I suppose great solemnity and great care would characterize every word that was said and every vote that was given, the reason of that being that we could not share the responsibility of a declaration of war with the President of the United States. The two Houses

have the exclusive control of the question of a declaration of war.

Equally so, Mr. President, is it in regard to the admission of a State into the Union. The President of the United States, if you pass this bill, has no right to veto it. The President of the United States, except for some provisions that are unwise and unnecessary, would have no right to consider it. If the Senate of the United States and the House before midnight of this day should vote a concurrent resolution that the Territories of New Mexico, Arizona, Oklahoma, and the Indian Territory should be admitted into the American Union, with their respective boundaries, to be delayed only until Congress should examine the question whether the constitution that they would adopt was republican in form, those States would be in the Union, and no power in this Union could turn them out or question the legitimacy of their situation in the Union. The Senate and the House by concurrent action can provide for every condition that is requisite to the admission of a State into the Union without referring the subject to the President of the United States at all. It is a separate function.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Certainly.

Mr. FORAKER. I note with much interest the remark made by the Senator, as I understand him, that it is not necessary for the President to approve an enabling act which we are proceeding to pass. I suppose the Senator bases that upon the language of the Constitution which says that the Congress may admit new States to the Union; but I will ask the Senator if it be not true that every enabling act under which a Territory has been admitted to the Union has been approved by the President?

Mr. MORGAN. No; not every one; but the great majority of them have. I concede that.

Mr. FORAKER. I supposed they all had been approved by the President.

Mr. MORGAN. I concede that; but I am not here for the purpose of following an unconstitutional precedent, if I so regard it. I am sworn to support that instrument as I understand it; and therefore it is not my duty to follow precedents at all.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. HALE. The proposition of the Senator, who is a very profound and learned lawyer, is to some of us novel. Is there any instance where an enabling act passed by Congress providing for the admission of a new State has not been approved by the President?

Mr. MORGAN. The Congress have invited the President to come into their counsels and participate with them in legislation appropriate to or connected with the admission of a new State. But California is a State in this Union. What enabling act did she have?

Mr. HALE. How has Congress invited the President in enabling acts and bills of this kind in any different way from what it does when Congress passes any bill without making any reference to the President and the President receives it and either approves it or vetoes it? I am not aware, in what knowledge I have of legislation on this subject, that an enabling act has in any way differed from other bills passed by Congress; but it has, without any invitation by Congress, been taken up by the President and received his sanction. The Senator may be entirely right, but, as I began by saying, it is a very novel proposition to some of us.

Mr. MORGAN. Mr. President, it is novel to gentlemen who do not pay enough attention or care enough for the opinion of their colleagues on this floor to read what they have said. In the discussion of this measure a year ago or a little more—I do not know just when it was—I put myself to the trouble of making an elaborate argument upon this very proposition, and brought in the authorites and all that. Of course that all went for nothing. It did not even draw the attention of Senators. I am not complaining of it. That is something I have the right to expect, and almost every gentleman on this side of the Chamber has a right to expect the same thing in regard to anything he may propose in this body. I do not complain of it. I do not, however, rest under the impeachment of having sprung a new idea on the Senate.

Mr. SPOONER. I listened to it.

Mr. MORGAN. The Senator from Wisconsin is generally very attentive to all that takes place in this Chamber, no matter who is on the floor.

I brought that up, Mr. President, with a view to illustrate what we are doing here. I am merely speaking of the power of the Senate and the House, not as legislative bodies, not by the enactment of a law, but by the passage of a concurrent resolution, just as we declare war, to admit a State into the American Union.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. MORGAN. Certainly.

Mr. CARTER. I think in the remarks made by the Senator to which he has referred he very clearly demonstrated that Congress could admit a State without consulting the Executive. If a State had been formed, as in the case of California, without any enabling act and Senators and Representatives elected, Congress could recognize such Senators and Representatives, and they would become a part of the legislative bodies and the State a part of the Union. But in the bill here presented, I submit to the Senator, the concurrence of the Executive is necessary, not because it is necessary to the admission of a State, but because certain appropriations are made and certain grants included in this bill require Executive approval.

Mr. BEVERIDGE. Grants of land.

Mr. CARTER. Grants of land in great quantity.

Mr. MORGAN. The appropriation that may be made for carrying into effect the joint action of the two Houses can as well be made upon the predicate of a concurrent resolution as upon the predicate of a bill that contains the appropriation itself. So that question answers itself. As to the proposition that a State may be admitted even if it has been formed, that answers itself, because a State can not be formed until it is admitted. It may be formulated, but it can not be formed. It can be stated as a proposition and submitted to the two Houses of Congress for their acceptance, and they may accept it, as they did in the case of California and in the case of Texas; but it is not a State that is formed. It is a proposition from a certain political entity or unit that they propose to form a State with our consent. When we give our consent upon the terms that have been stated, the State is formed; and when it is formed in that way there is no power in the Union that can put it out or disregard its rights.

I do not expect, Mr. President, to advance that proposition in opposition to this measure. Congress, in obeying the precedents that sometimes have obtained, has invited the President of the United States to participate in this "act of legislation," as we term it, which is for the admission of a State, and also for certain appropriations and certain regulations in regard to boundaries and the public lands, etc., that it is very proper the President should participate in.

But, Mr. President, if Arizona and New Mexico should vote in favor of statehood, an election is to determine that fact and returns are to be made from that election. That is an event in the future which determines the right of these two States to joint statehood. So far as separate statehood is concerned, that is not provided for in the case of Arizona and New Mexico. If Arizona and New Mexico or either of them refuse to be consolidated with the other that State passes back into its Territorial condition, and that is the end of it. That is as much as if the law was repealed. It has the same effect as if the law was abrogated or repealed. So that vote has either the effect of repealing, abrogating, and annulling this act, so far as those two Territories are concerned, or it has the effect of bringing them into the Union as one State.

How is Congress going to determine about that election? Who is to have the final act of determination upon that subject? The President of the United States? You might just as well say the Chief Justice of the Supreme Court, because they are both equally outsiders from the question of fact as to whether the State has been admitted into the Union by that vote. Whether it comes into the Union by that vote or not depends upon how you count it, how it is reported. There is no confirmation of it on the part of any person in this bill at all, except the President of the United States. The reports are to be made to him, if I read the bill correctly, or remember it correctly, and he is to detemine whether or not these two States, or either of them, have voted that they will not consolidate or both of them have voted that they will consolidate. Here are all the incidents of a popular election to be settled and determined, first, by the returning board, and, secondly, by the President of the United States.

Suppose the returning board returns that the two States have agreed to unite. The President of the United States says, "Well, I am not satisfied with that. Here are accusations about bribery in elections and the like of that. I am not satisfied that you had a fair election; I will not approve it, and I

will not issue my proclamation." Then nothing is done, and the alleged falsity of the returns of the returning board annuls all that Congress is doing here to-day.

That is not the admission of a State into the American Union under the Constitution. That is the mere pivotal fact that is put up in this case upon which turns the question of the admission of one sovereign State composed of two Territories; and that fact is not to be determined by the Senate or by Congress. We delegate the power to determine that fact to a third party; and I do not care whether it is the President of the United States or the Chief Justice of the Supreme Court, the delegation in both cases is equally void.

The act of admission must be the act of these two Houses, and not the act of somebody else, who shall decide whether the law or the concurrent resolution enacted here has been complied with. The act of admission must be the act of the two Houses. Under this bill the act of admission will not be the act of the two Houses. It will be the act of a returning board, approved or disapproved by the President.

Now, if you intend to bargain this subject away by a contract between four or five Senators on this floor, why have you not provided that that election shall be brought back here and tested by some measure that the two Houses might inaugurate for the purpose of ascertaining its fairness, its honesty, and its justice?

Mr. President, I have no more expectation of seeing an honest election come out of New Mexico and Arizona under the bribe we offer them to unite into statehood than I would to have sweet odors come out of the butchering houses in Chicago. You offer them $5,000,000, paid out of the Treasury to their school fund. Who pays that money? My constituents have to be taxed to pay their part of it. The Treasury of the United States must be unlocked and $5,000,000 voted out there. "If you vote for joint statehood, you will get this money. If you do not vote for joint statehood, you will not get it." Under the pressure of that single bribe, for it is nothing else, upon the mind of the voters of these Territories, we know what the result is going to be. We know it now. When the returns come in they will be that "We accept the money and vote for joint statehood." That will be the return. I do not want the Senate of the United States, by any sort of contrivance, and particularly by an arrangement made by a few Senators, to tax my people to make their contribution to that pile of gold. It was intended for nothing else in the world but to induce men to vote for joint statehood.

Who are the people who are going to vote? They are the people qualified, so far as I remember the bill, according to the laws of New Mexico and the laws of Arizona; and when we come to those qualifications there is a great mix up in regard to Indians who are taxed and Indians who are not taxed. Many Indians, I am informed by the testimony that has heretofore been given before this committee, have declined to vote, although they would have been permitted, because by declining to vote they have escaped taxation.

We draw a classification between Indians. We examine into that in Oklahoma; we hold an election there also; and all the Indians who are American citizens and who are males of 21 years of age are permitted to vote, and all the negroes who are American citizens and who are males of 21 years of age are entitled to vote; and they vote for the constitution, for these organic laws, as to which we ourselves frequently find we are entangled and engulfed in doubt and difficulty in trying to interpret. These are the men to whom we commit the destiny of a State, the fixing of the provisions of the constitution.

Then the reformers have got in there—the reformers on the subject of the prohibition of the sale of liquor. They have invaded that Territory. Then the reformers on the religion of the Mormons have invaded that Territory. Those reformers are hard at work, and they have made their work tell upon this bill. I notice in the conference report, which was printed and for the first time was in the hands of Senators this morning of this very busy, hard-worked, overworked day, that the prohibition in regard to the Territories of Arizona and Mexico is as follows:

First. That perfect toleration of religious sentiment shall be secured—

Not saying anything about Mormonism; of course that is not religious sentiment—

and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

To whom? To Indians. These men who have been voting for the constitution; these men who are American citizens, and because they happen to be men of Indian blood—and a man is an Indian if he is a quadroon or an octoroon with Indian blood—you must never sell any liquor to them.

In Oklahoma and in the Indian Territory the negroes, who were formerly the slaves of these very Indians, are permitted to buy all the liquor they want, but the reformer seems to have gone blind on one side of his vision, and while he is trying to reform and to make that country temperate by constitutional law, he neglects the very worst man in the world in respect of his desire for drink and his uncontrollability when he is drunk, and that is the negro.

That is a beautiful specimen of statehood for this Senate to lay before the world and all the coming generations. Gentlemen are so eager to get the advantage, whether political or not, of this situation that they pass upon questions like this without giving them the slightest heed.

You must not sell any liquor to an Indian. Although it may be found in a medicine, the sale of it or the gift of it to an Indian is absolutely prohibited. Under this constitution a doctor can not administer it to him. It is absolutely prohibited in the fundamental and organic law. If his body servant—the fellow he used to own—happens, under the law, to be a negro, he can give him all he wants.

Mr. President, that shows the folly, as well as the hypocrisy, of these half-handed measures of reformation that we put into the organic laws of the States we admit into the Union.

What State, I will ask, of the American Union was ever degraded before by the Congress of the United States by saying, "There is a class of your citizens to whom you shall not sell whisky nor give it to them?" Have we not got the right, if we can pass this law, to say that no man who is a Republican shall be allowed to drink or handle or sell liquor or be indulged in the sale of it to anybody? Of course, if he should be a Democrat, we would do it without the slightest hesitation; but I am talking about the sainted party of Republicans, who find so much of benefaction and beauty and glory in instilling their fundamental convictions, but not their practices, into the constitutions of States. I am appealing to them, because they stand above temptation. It is not to be expeced that anybody would ever think about enacting a law to make a State pass a law to prohibit the sale of liquor to a Republican, but, owing to their manifest infirmities, it might be a subject of consideration when we come to applying it to a Democrat. Mr. President, I want the opportunity to read this bill before I vote upon it.

The Senator from Mississippi [Mr. MONEY] has been charged with having given a political complexion to this bill. If the Senator from Mississippi did a thing of that sort, it was because he could not fail to recognize the complexion that has been given to the bill, and his recognition of it certainly does not make him in any sense reprehensible. He had the right to see a thing when it was spread out before him, and he, seeing it, alluded to it. That is all.

The object of this bill, Mr. President, and the object of this legislation from the time it first took its origin in the caucus of the Republican party in the House of Representatives and was brought in there, and no amendment to it was permitted, and but a limited time was allowed for speaking about it—very limited, a couple of hours or something like that—from the time that this measure which we are considering had its origin in the House of Representatives it was a Republican measure, handled, shaped, and treated exclusively by a Republican caucus. It has never lost that tone. That tone has adhered to it all the time, and it is as much political to-day as it was then.

I will tell you what I believe to be the effect if not the purpose of this bill. It affects the representation of the people of the United States in this body. There are two Senators here from each State in this Union. The splendid little State of Rhode Island and its more majestic and imperial neighbor, New York, are each represented here by two Senators. Both the Rhode Island Senators are here, I believe, but I do not think either of the New York Senators is here to-day to hear what I have to say about this measure.

Mr. President, so it runs throughout the Union. Every State in this Union has an equal suffrage in this body. When you admit a State, you add a suffrage to this body that is equal to that of any of the States that have already been admitted. We go down into the Territories that are open to us, where there are more southern people who shed their blood in winning New Mexico than there ever was of northern blood. As to these large populous areas which we are irrigating, and where we are making the desert bloom as the rose, out of taxation upon the people of the United States, you are bound to say to yourselves: "These vast and hitherto unproductive areas are showing a degree of power in agricultural production and making a vast exhibit of mining power which the brightest-

minded man in the United States, even fifteen years ago, did not dare to anticipate; they are coming forward with all their great wealth and, of course, are attracting population"—not population merely, Mr. President, but the cream of the population of the United States in respect to genius, industry, and manhood, for the frontier populations that have settled up those western countries are superior man by man to the people they left behind them after they have had the trials of a few years' hard experience; they are amongst the wisest and best and noblest of the men over whom the American flag floats. They have proved it in peace and in war. They have proved it everywhere. We know that these Territories are coming forward with a vast population. We have seen Oklahoma and Indian Territory filled up with population until it is a very marvel of the multiplication of population. Great populations are filling up these great areas and they are entitled to have, according to population and area, considered together—not as it exists to-day, but as it necessarily will exist prospectively—they are entitled to have their representation on the floor of the Senate. Animated by this proposition, I was amongst the first of the gentlemen on this side of the Chamber to commence voting for the admission of Territories as States, beginning with the Territory of Washington, and helped to vote in six Territories as States north of Mason and Dixon's line from within nine to twelve months. I rejoiced to do it, because they deserved it. How splendidly they have filled up all the expectations and prophecies of that period of time in the development of their population and their wealth, agriculture, and all that, and in the splendid men they have sent here to occupy these chairs in the Senate of the United States.

Why should there be a desire to cut down the representation of the same kind of area to which the same kind of people are flocking in the South? Why do you do it? I will impute no ungenerous or improper motives to you, gentlemen, but I see the day coming—and while I do not expect to live to see it consummated, and I hope I will not—I see the day coming when you will have a two-thirds majority trained to party support by party discipline of the same sort out of which this bill originated in the House of Representatives; and when some man who has been educated to liberty of speech and independence of thought gets up on this floor and speaks the truth, without beguiling it with falsehood or apology, if it is disagreeable to gentlemen on the other side—if such a man should get up on this floor and denounce the adoption of the fourteenth and fifteenth amendments to the Constitution as an act in derogation of and an outrage upon decent people, you might say that man's utterances were treasonable—treasonable as being connected with some church affair, perhaps, but far more treasonable in being connected with the Constitution of the United States and our history. You will have two-thirds majority, and all you will have to do will be to say to such a man as that: "You have avowed yourself as being in favor of a treasonable conspiracy under the fourteenth and fifteenth amendments. Take your walking papers and leave this Chamber." Do you want the power to inflict that upon us? Do you want to see the just and fair and proper equilibrium of the Government of the United States, this grand and magnificent Republic of forty-five sovereign States, so disturbed that one political party has the absolute control of a two-thirds majority, passing upon the credentials and the rights to the seats of the gentlemen who occupy this side of the Chamber? You may not want it, you may not anticipate it; but I dare say some day some of you will vote for such a thing. I will not impute it to the body of gentlemen on the other side of the Chamber as the prevailing sentiment; but when you have got the power to do it, I confess to you I dread you. You will do those things that we see are being done every day here, when Senators get up and avow their adhesion to certain principles of government on the most solemn occasion, and win our approbation and get us to stand by them and go with them; but when it suits their personal or political views or convenience, or when they get tired of their patriotic duties, they walk off and make an agreement about it, put it in here in the morning in the form of a report that I can not read and I can not understand, and even refuse to have it printed, that we may look it over and point out our objections to it.

I thought that the provision in regard to the prohibition of liquor was the same for the Indian Territory and Oklahoma as it was for Arizona and New Mexico, but I find that the Senator from Ohio [Mr. FORAKER] having fallen into the same error, has corrected himself and they are quite different. I do not know, Mr. President, why it is that different provisions are made in two sections of the same bill providing for the admission of States to the American Union, one applying to Oklahoma and the Indian Territory and the other applying to Arizona and New Mexico. It disturbs me. I can not account for it. I do not know any reason why it should be so. Even if the humblest Senator on this floor, the least influential or the least respected of all this body, should say he desires some explanation of this difference in regard to the conditions upon which these Territories are to be admitted, the effect of their admission, and what provisions they are to put into their constitutional law, some wiser, abler, or more powerful man of this body, who had charge of this business, who had been working it through all its great ramifications backward and forward here, should get up and explain the reason of this inconsistency in the bill.

Does the other side of the Senate want to be accused by posterity of having put into the same law inconsistent provisions that are to go into the constitution of the State of Oklahoma and the constitution of the State of Arizona, if Arizona and New Mexico should vote to come in as one State? Do you want the schoolmasters and the school children, when reading and trying to interpret the constitution and laws of the United States and the history of the States in which they may be brought up, to be asking each other what was the reason for this difference? There was some reason for it; it could not have been simply the neglect of proper attention to the subject because of the pressure of time. The people of the United States give us all the time and all the money we need for staying here and attending to our business in a correct way; and yet we spring a bill before them, one relating to the southern part, the Territory of Oklahoma and Indian Territory, and the other relating to the northern and western part, New Mexico and Arizona, and when we come to the provisions that are to be put into the constitution of each we find them varying.

That is not creditable legislation; that is not legislation that the Senate of the United States ought to place its imprimatur upon; that is not the sort of legislation that would have been enacted by this body thirty years ago, when I first took my seat in it. There were men here then who would not have tolerated any such culpable neglect in the formation of a bill. But haste, bargaining, arrangement, contract—these things take the Senate and House by storm and run us into confirmation of laws here which, on their face, are censurable.

We hasten off to invite the President of the United States to proclaim the final acts upon which this statehood is to take place; and he bases his proclamation upon the statements made by returning officers, whom, he may think, are corrupt or incorruptible, just as he pleases, and adopt them or turn them aside. All this work that we are doing here to-day still hinges upon the remote and distant possibility or probability of how that election may turn. How it may go and how it may be counted, we do not know.

Senators have ventured to predict in their optimism about the effects of this bill as a healing act; they have ventured to predict that everything will turn out well and that the people of the United States will have occasion to be proud of this transaction when they get through with it. Mr. President, I do not indulge in that happy anticipation. That election will go for joint statehood in these two Territories. If the pile of money, the $5,000,000 that we put up there, does not affect it and influence it, there will be men in both of these Territories bargaining for seats in Congress and for Federal judgeships and for seats in the Senate who will see to it that the poor, illiterate creatures, the Indians themselves, who are permitted to vote there, will be hauled up to the polls and voted, or, if not voted, they will be counted. We will have a repetition here in a small way, but scarcely less tragic way, of those events that attended the condition of the Government at the very moment I first had the honor of being admitted to a seat in this body, when a great commission sat in the Supreme Court room to determine upon the fraudulency of a Presidential election and election returns. We will have the same thing repeated, except that we have made no provision for calling that election before ourselves.

If the President issues his proclamation, that ends it; these Territories are States; and no man would have the hardihood then to rise here and attempt to exclude one of these States, admitted into the Union by the President's proclamation, on the grounds that that proclamation was not justified by the proof. No man would have the hardihood to do that. We are casting the whole destiny of these people and their representation on this floor upon the die as to how it will turn upon the gambler's board, whether they shall be in favor of joint statehood or against it.

I have said more than I expected to say, and I do not expect to ever again address myself to this Senate upon this question. So far as the Indians are concerned in one way or another, we have worked them on this continent—I will not say unjustly or unmercifully or uncharitably—but in our conflicts with them,

which have lasted for more than two centuries, we have now got to the last educated tribes in this country. Not only are they educated tribes, but they are self-educated tribes and tribes that have organized self-government within their own borders. They have had their legislatures, their supreme courts, their circuit and chancery and probate courts, have printed their reports in the English tongue, and have printed them also in that wonderful language of Sequoyah, whom I happened to know when I was a little bit of a boy.

I have known these people. I know them yet. I know Indians now, Creeks and Cherokees, lawyers of great capacity and talent, who are utterly ignored as Indians; yet they are proud of their position as such, and would be very glad indeed to bring up the remnant that is left of their tribes into the civilization which has made them so conspicuous. I will mention Porter as one of them whom I happen to know.

Mr. President, this is the last sod that is to be put on the political coffin of these people. They are not to have any more participation in the government of the State in which they live than the negroes they used to own. They lament it; they deplore it. They refer us back to treaty after treaty which pledges us not to serve them in this way; to act after act of Congress which pledges us never to incorporate them with any other State or any other Territory; that if they are to have Territorial government it shall be an Indian government. Often and over we have made these pledges. Many eloquent and wise remarks have been made in this Chamber by men who have passed away to honor and to glory in defense of the propositions contained in the treaty. And here we are, Democrats as well as Republicans, shoveling them into a coffin and burying them out of sight forever.

I can not feel justified in taking such action, not for the Indians, but for ourselves, under the promises that were made to the Indians by the men who preceded us. But this ends them. This is the close of their career. They were taken and really forced into citizenship and into the dissolution of their tribal government by the laws of the United States, and had American citizenship thus forced upon them, and then because they became American citizens we take and treat them just as well as we would the negroes who were made American citizens by the fourteenth amendment, and in that way, entirely by Congressional pressure, protested against at every move we made, these men have come to their last stand, and I, as an American Senator, simply bid them good-by. That is all I can do.

The VICE-PRESIDENT. Does the Senator from Alabama still desire to have read the portion of the bill sent to the Secretary's desk by the Senator from Ohio?

Mr. MORGAN. I desire to have it read, so that the Senate may hear it, unless the Senate will consent to print the bill as it will appear under the conference report.

Mr. FORAKER. I do not object to its being read. I asked that it might be inserted in the RECORD without reading only to save time.

Mr. MORGAN. I knew what the purpose was.

Mr. FORAKER. The general purport——

Mr. BEVERIDGE. It has been printed.

Mr. MORGAN. I want to see it before I vote on it, if I may have the opportunity.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. BEVERIDGE. I wish to say to the Senator that this bill has already been printed.

Mr. STONE. Mr. President——

Mr. MORGAN. I will withdraw the demand in deference to the request of my friend the Senator from Missouri [Mr. STONE]. I do not know why, but still I do it.

The VICE-PRESIDENT. Without objection, the portion of the bill requested to be inserted in the RECORD by the Senator from Ohio will be published without reading.

The matter referred to is as follows:

Second. That the manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other parts of said State which existed as Indian reservations on the 1st day of January, 1906, is prohibited for a period of twenty-one years from the date of the admission of said State into the Union, and thereafter until the people of said State shall otherwise provide by amendment of said constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within the above-described portions of said State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of said State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than $50 and by imprisonment not less than thirty days for each offense: *Provided*, That the legislature may provide by law for one agency under the supervision of said State in each incorporated town of not less than 2,000 population in the portions of said State hereinbefore described; and if there be no incorporated town of 2,000 population in any county in said portions of said State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than $1,000, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of said State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than $200 or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of said State into the Union these provisions shall be immediately enforceable in the courts of said State.

Mr. STONE. Mr. President, I do not rise to address the Senate on this question, but to elicit information from the Senator in charge of the bill, if he can furnish it, as I suppose he can, in relation to the Osage Reservation. I know that the Osage Indians reside on that reservation. Does the Senator know and can he inform the Senate whether there are whites residing there; and if so, how many, and whether they have the rights of citizenship on that reservation?

Mr. BEVERIDGE. The Senator from Vermont [Mr. DILLINGHAM], when the bill was before the committee and also in conference, had the question of the Osages particularly in charge, and one day here he made a very exhaustive statement containing all the statistics about which the Senator from Missouri now inquires. My own recollection, which is very vague and indefinite compared with the accurate information which the Senator from Vermont is able to give, is that there are perhaps half as many whites as Indians. I think there are some four or five thousand Indians.

But the Senator from Vermont during the pendency of this bill before the committee in the first place had that matter very particularly in charge, and on a former occasion made a statement in the Senate containing all the data and statistics with reference to it. That is my own vague recollection.

Mr. STONE. If the Senator from Vermont will do me the kindness, I should like to ask how many whites reside on the reservation and what their right of residence there is.

Mr. DILLINGHAM. I think the Senator from Indiana is somewhat incorrect in stating the extent of my information. I do not now recall the exact number of Indians residing there, nor do I recall the exact number of whites. My general recollection is that the whites are about one-half of the number of Indians. I understand that all the land in that reservation is held by the tribe; that they have title to it; that it has not been allotted; and that while several town sites have been laid out, the whites who are residents there have not become landowners, and in fact could not, under the present provision.

Mr. STONE. My understanding has been that the whites residing on this reservation were temporarily there because of leases that have been made with the Osage tribe with respect to oil and gas lands which are being operated; that there is no permanency to their residence; and that really they have only a mere right of occupancy for the purpose of developing these oil wells and gas wells. I think that information is reliable and correct, and if it is I am puzzled to understand why the Osage Indians, who are the only people, or practically the only people, who live permanently on this reservation, and who are entitled to be there, except those who are there temporarily, should be given a delegate in the constitutional convention. Under the bill the Indian Territory is given——

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. Yes, sir.

Mr. LONG. I think under the provisions of the last conference report, which we are now considering, they are given not only one delegate, but they are given two.

Mr. STONE. I think one, under the report we are considering.

Mr. LONG. Under the first conference report they were given one; under this one I am sure they are given two.

Mr. STONE. As the bill came from the House it gave two, and it was amended in the Senate and reduced to one.

Mr. LONG. But we have receded from that amendment in this conference report.

Mr. STONE. If the Senator states that to be true, I accept it.

Mr. LONG. If I am incorrect, I will ask to be corrected by the Senator from Vermont. I am assured——

Mr. BEVERIDGE. That is correct.

Mr. LONG. I am assured by the Senator from Indiana that that is correct.

Mr. STONE. Then I am still more puzzled, if possible, to understand why the Osage Indians should be given two delegates. The Indian Territory is awarded fifty-five delegates and Oklahoma fifty-five delegates. The Osage Reservation is allowed two delegates, the Senator from Kansas, under the last report, thereby giving to the representatives of the people in that reservation the balance of power in the constitutional convention which is to frame the organic law of the State.

Mr. President, the Osage Indians are not citizens of the United States. They were not of the Five Civilized Tribes. Their land has not been allotted. They are not clothed with citizenship. Moreover, the Osage Indians approach more nearly to the real blanket Indians, or certainly as near to the real blanket Indians as any other tribe in this country. It is proposed in this bill to give to these Indians, who are not citizens, the right to a representation which will exercise the balance of power in the convention or else give that representation to people who are temporarily on the reservation, by right of course, but temporarily, for the purpose of carrying on an industry that will cease in the not distant future.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. STONE. Yes, sir.

Mr. CARTER. I do not state it with authority or on personal knowledge, but I have heard the fact stated that there were about 5,000 white people residing by authority on the Osage Reservation; that by virtue of lawful right town sites have been laid out within the Osage Reservation, and town lots have been sold within those town sites; that the town lots were purchased in legal form; that the titles are good; that business is being conducted within the towns by white men as well as by Indians.

I assume that the representation allowed in the constitutional convention contemplated the representation due these 5,000 white people. The Senator from Kansas is probably thoroughly well informed concerning the conditions there existing, and I have no doubt he can give the Senator from Missouri accurate information upon the points to which his questions are directed.

Mr. STONE. What I have said has been predicated on the belief and understanding that the white population there was small and, as I say, only temporarily residents of the reservation.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. Certainly.

Mr. LONG. I think the Senator hardly describes the condition when he says the white population there is temporary. They reside in the towns. They own the lots under laws that have been enacted. I am informed there are 5,000 white persons living in this reservation now in the towns alone. There are also white people living in the country, under leases approved by the Secretary of the Interior, in addition to the 5,000 living in the towns. There are about 1,800 Indians upon the reservation. Those having certain qualifications are entitled to vote for members of the constitutional convention and on the question of the ratification of the constitution.

So these two delegates that are provided for the Osage Reservation will represent not only the Indians, but also the white people who live in the towns and who live in the country in that reservation.

Mr. STONE. If it be true that there are 5,000 people resident on that reservation, with the right to be there, with their homes, my information is not correct. It is a matter of information, a matter of fact. The Senator from Kansas possibly is better informed about it than I am.

Mr. LONG. I will state the source of my information with regard to the population.

Mr. STONE. It is not worth the controversy.

Mr. LONG. It is the Delegate from Oklahoma.

Mr. STONE. I do not care to discuss the matter. I simply wanted the information. I accept that which has been given.

Before I sit down, Mr. President, I will say that I am very glad that this long controversy is about ended. I can but feel that a gross wrong is being done the people of the Indian Territory and of Oklahoma in compelling the union of the two Territories as one State. I will not attribute unworthy motives to those who have brought the pending legislation to this end. That it does inure to the sectional advantage of the smaller States of the East and unfairly lessens the just representation of the great Southwest, to my mind is beyond fair dispute. But the thing is done, and I am glad that the nearly 2,000,000 people of these Territories are at last to have the benefit of the blessings of a government of their own, are at last to be freed from the constant supervision and tutelage of departmental officers in Washington, a thousand miles or more away from them.

I do not share in the apprehension of the Senator from Alabama [Mr. MORGAN] that the great sum to be given out of the Treasury to the school fund of the proposed State of Arizona and the enormous grant of land to that State will operate to bribe the voters of Arizona to accept this repugnant union sought to be forced upon them. There is no reason why the voters of Arizona should accept it; why they should wear this yoke unwillingly. If this proposition is voted down by either of the Territories, it will not come here again in that form. Arizona can be admitted as a separate State, as can New Mexico, and the same generosity is offered in this bill to the support of their schools. The Senator from Alabama [Mr. PETTUS] advises me that the two Territories are to vote jointly. I understand they are to vote separately, and that if either votes against the union, then the whole proposition is lost.

Mr. PETTUS. That used to be so.

Mr. STONE. That is in the conference report. I did not rise to discuss the subject, but to make an inquiry.

Mr. McCUMBER. Mr. President, unlike the Senator from Missouri [Mr. STONE], I am not taking on an extra load of happiness or gratification because of the final settlement of this very vexed question and this long dispute, for the reason that I can not get a great deal of comfort out of the settlement of a controversy until that settlement is a right and not a wrong settlement.

Mr. President, I wish this evening very briefly to suggest to the Senate that I at least, as one who has opposed and, I believe, consistently opposed the uniting of the Territories of Arizona and New Mexico, can not agree to surrender the principle which I feel has been surrendered in this compromise movement. When I voted for the Foraker amendment some two or three years ago in this controversy, I voted for it not because I thought it was sound in principle that we should submit to any given Territory the question whether it should be joined to another and admitted, but because at that time, in order to prevent a greater wrong, the proposition of the Senator from Ohio was placed there as a kind of check against legislation which would, without it, probably have united the two Territories. I voted for it because of that and that only.

Now, the Senator from Ohio [Mr. FORAKER] and the Senator from Montana [Mr. CARTER], who seems to father this compromise measure, appear to me to have surrendered the principle that was really at stake in that proposition. What was that? That no two Territories of themselves should dictate to Congress either whether they should come in jointly or come in together, nor should that question with them in the slightest degree affect us.

Mr. President, the question whether Arizona and New Mexico should come into the Union as a single State is not a question for those two Territories to decide. You might as well say that those two Territories should decide whether they should come in as four States instead of two States. It is for Congress to determine what Territories should be taken into the Union, and no people now living in any one section of the United States have a right by their vote to disfranchise any portion of the territory at present within the boundaries of the United States in their voice in the Senate of the United States fifty or one hundred years from to-day.

With the sparse settlements in those two Territories, with the great influence that will be brought to bear in those Territories by politicians who are spurred on with the hope of securing some political preference, I am not so certain that they will not be able to secure a vote in both of the Territories in favor of

joint statehood. I hope that they will not. I know that if they were not influenced one way or the other they certainly would not vote in favor of any joint statehood. But what I insist upon is that Congress should not be bound by the vote of those two Territories if they desire to come in as one State any more than it should be bound by their preference in coming in as four States.

I do not entirely agree, Mr. President, with the sentiments that have been expressed by the Senator from Mississippi [Mr. MONEY]. The Senator from Mississippi seemed to think that this has been made a political question. As between the two older parties it certainly has not been made a political question. It was within the power of the Republican majority in this body to create two States, one of which would be certainly Republican, the other of which would have been certainly Democratic, and the one would offset the other, so far as political influence in the Senate was concerned. They have laid aside that view of it, and have by a majority voted for a State that will be absolutely Democratic as it comes in as a new State, and, in my opinion, the Senators who will come from that State will be Democratic Senators, because I believe that that is the sentiment of the entire Territory now united in one.

What influence, then, has been at work which has compelled the Senate to adopt a measure which is to take two Territories, either one of which would make a splendid State, and either one of which would be equal in area to the average State east of the Mississippi, and say that those must come in simply as one State? It is not the influence of the politics of parties so much as the influence of the politics of sections. It may be that there is no politics other than sectionalism in this matter.

Mr. President, there has never been a Territory yet admitted as a State that the admission was not influenced more or less by sectionalism, and probably there never will be one. How do I arrive at this? It is the theory of a number of the older States, those that are now settled, that their proportionate force in the Senate of the United States shall not be lessened. I think that is the guiding influence which has affected very many of us in the question that has been before us.

There has been another matter, too, strange as it may seem. A great many Senators have argued this case upon the ground that we did not want to admit a new State with a boundary line such as we will find in the Indian Territory, and thus the irregularity of boundary lines is made an influence more or less great in determining whether we shall have one State or two States in Indian Territory and Oklahoma. In other words, we have been making a map for the United States, rather than making States. It seems to be against our æsthetic taste that we should have any more States as irregular in outline as Florida or as West Virginia, and we want our map hereafter to look more like a checkerboard, as it will be more pleasing to the eye, without reference to these great sections.

Mr. President, I for one wish to vote against this measure for that reason. I believed several years ago, I continue in the belief, that the four Territories remaining west of the Mississippi River should be made four great States; first, because they have the area, and, second, so far as the Territory of Oklahoma is concerned, it has now the population, and in future will have a great deal more than the population for proper representation in both branches of Congress, and that should be the governing feature in the admission of any new Territories.

I am opposed to uniting these two Territories into one State for another reason. That vast section lying west of the Mississippi River, more than two-thirds of the territory of the United States, and in less than one hundred years, in my opinion, having two-thirds of the population of the United States, should have at that time a representation equal to the other third, because they will have both the territory and the population equal to the other third of the United States. In legislating on a subject of this kind we are not legislating for to-day, but we are legislating for fifty, a hundred, and a thousand years from to-day, and we ought to look to the future sufficiently to guard the interests of every section of the country, so that the representation should be as nearly equal as we could possibly make it. In this legislation we have not done so. In this legislation, as proposed by this amendment, we have surrendered the principle that Congress and not a section of the country is to determine whether it is fitted to come into the Union and with what boundary it should be taken as a State into the United States.

Mr. DUBOIS. Mr. President, I believe that Oklahoma should be one State and Indian Territory another State; but inasmuch as the people of those Territories have expressed their willingness to be joined, I accept readily that part of the conference report.

I do not think that Arizona or New Mexico, singly or jointly, should be made a State at this time. I am very much opposed to that part of the conference agreement. I offered an amendment to the Arizona bill when it was pending, which I will ask the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

VI. No person shall be permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or who teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.

VII. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

Mr. DUBOIS. Mr. President, that amendment was adopted by the unanimous vote of the Senate, without opposition by voice or vote, and I think it should have been retained in the bill. If this proposed new State comes into the Union, the hierarchy of the Mormon Church is already there. It has its nucleus, and this provision in the constitution would be a restraint upon its power, which is most powerful.

It is said that there are few Mormons in Arizona and New Mexico. Last year there were seventeen convictions of Mormons for unlawful cohabitation in Arizona and fifteen in New Mexico. That means that at least ninety-three persons were living in the polygamous relation in those Territories. I have myself seen in the office of the Attorney-General of the United States a long list of polygamists in those Territories. There are at least ten living in this relation in Idaho and Wyoming and Utah where there is one in Arizona or New Mexico. Yet you can not convict one of them in any of those States, because of the tremendous political power of this organization, and when you clothe these Territories with statehood, when the power of the United States is taken away, then comes the political power of this hierarchy, and no convictions will be had there for these crimes.

I have been engaged in this conflict with the Mormon hierarchy for twenty-five years—ever since 1881—with the exception of a few years after the issuance of the manifesto, when the Mormon Church proclaimed that they would cease their political dictation; that they would cease their polygamous living; and when, through pleas for amnesty, they reiterated these pledges to the Government. During that era I was led to believe that they were sincere. I accepted their statements, and hoped and said that the church had given up polygamy and polygamous living and had ceased to dominate its followers in political affairs. But soon after statehood came to Utah they resumed these practices, until now conditions are worse and more dangerous to our civilization than in the early days.

I know what this means to me full well. It means the end of my political career. I stated it plainly to my people in Idaho when I started this conflict again. When I announced my determination to put laws on the books to punish polygamous living and to separate the church from the state in politics, I knew and said in public speech that the power of this hierarchy would stop my political career.

I have never asked quarter from them, and I never have given any. I will say to the credit of the chiefs of this organization that they never made the charge against me that I ever sought their political aid. Twice I was elected to the other branch of Congress and twice to this. During all of those elections, popular or otherwise, I received but one Mormon vote. On my last election to the Senate a Mormon from my county voted for me, but he would not have done so if his vote could have beaten me.

I enjoy the life here; I enjoy the duties here; and I would have had a continued service had it not been for this conflict. If it were not for this treasonable and polygamous organization in Idaho, if there were no Mormons there, I would be elected Senator again, almost without opposition. They interrupted my career in 1896. I carried twenty-nine members of the

legislature, who were pledged to me, out of thirty-six necessary to elect. I should have carried all of those in my own section of the country where the Mormons lived. That was in the era of good feeling, too. It took them a month to defeat me in the legislature, and they could not have done it then and would not have done it had it not been for this hierarchy, who controlled enough Mormons, and some who were not Mormons, to prevent my election.

I want to warn the Senate that they are playing with fire when they do not restrain in all proper ways this menace to our civilization. No man can be elected a Senator from Utah or Idaho or Wyoming who will oppose openly the practices of this hierarchy and this organization. Unless you are watchful and understand that Mormons are not Republicans or Democrats, and support no party or no principle except for the benefit of their organization and for the perpetuation of polygamy and the political power of their hierarchy, you will soon find that they are the balance of power in this great body.

I regret that the conferees did not put that amendment in this bill for the benefit of the American citizens there who soon, when statehood comes, will have to fight this fight.

I shall not vote for the conference report.

Mr. BAILEY. Mr. President, just one moment. I think it fair and just to the Democrats, at least in the Senate, in view of what was said by the Senator from Mississippi [Mr. MONEY], to say that no Senator on this side feels that in voting for this conference report he is voting to unite Oklahoma and Indian Territory against their will.

In the early stages of this controversy I was as earnestly in favor of the separate admission of those States as the Senator from Mississippi is or could ever have been. I insisted upon that course so long as there was a possible hope of its accomplishment. I voted to separate them and to admit each as a State into the Union, because I know, and I know it as a neighbor to both, that each possesses the wealth, the population, and the resources to qualify it to discharge all its duties as a Commonwealth of the American Union.

But when by an overwhelming majority the Senate and the House, each upon separate occasions, had voted against the proposition to admit these two Territories as separate States, I abandoned my hope, though I did not change my opinion. I believed then, I have believed throughout the controversy, I believe this afternoon, that they ought to be admitted as two States into the Union.

But, Mr. President, I know as well as I know that I am addressing the Senate this moment that their separate admission is not within the range of human probability. I know that when they are admitted they will be admitted as one State, and I know that a further resistance of their admission as one State is simply a resistance against their admission at all.

Therefore it seemed to me as their neighbor, acquainted with their condition, and with some knowledge of the difficulties under which they labor, that I would fail in my duty to them and I would fail in my duty to the Senate, if I persisted in advocating what will never be done and in resisting the only thing which will be done.

Mr. President, one word more. The Senator from Mississippi seemed to think that the prohibition part of this enabling act is mere brutum fulmen, and that it is without any force or effect. He would be right if this bill provided that no liquor should be given to the Indians at any time, and that no liquor should be sold within a given time throughout what is now the Indian Territory; but the gentlemen who drew that bill were wiser than to draw it in that way. They provide not that it is the law of Congress that no liquor shall be sold, but that before this new State is admitted into the Union it shall itself provide by constitutional enactment that no liquor shall be sold Therefore, if this provision should be attacked in the courts of the country, the people who attack it would not allege that Congress had no power to pass that law, for, if they did, the officers of the State would answer that they prosecuted, not under the law of Congress, but under the constitution of Oklahoma and under the laws made in pursuance of it.

I grant you that after Oklahoma once becomes a State, her people can amend their constitution, although the law of Congress under which they are admitted declares that that provision shall not be amendable. They can amend it, because, in my judgment, it is not competent for Congress to impose a continuing obligation like that upon a State. But when, in obedience to the requirement of Congress, the new State has made this provision a part of its constitution, it will be easier to live under the limitation than it would be to repeal it; and the sum of it all will be that for ten years this new State of Oklahoma will be living under a law imposed upon it by Congress, and not adopted by its free will.

Mr. President, I have no desire to engage with the Senator from Mississippi or any other Senator in an argument upon the prohibition question. I have never believed that this is the forum for that argument. If to-morrow a law of that kind should be proposed here, I would resist it, because it belongs to the States and not to the Federal Government. But while I earnestly believe in the rights of the States, I have yet to learn this new doctrine of the rights of the county. When the Senator from Mississippi insists that in supporting an amendment to the constitution of my State I was destroying the right of local self-government he carries that theory further than it is safe to carry it. I understand that, as a matter of policy, it is better to leave as many things to the local communities as possible, but I have not understood that the counties possess rights against the State the same as the State possesses rights against the General Government.

Mr. FORAKER. Mr. President, referring to the remarks made by the Senator from Idaho [Mr. DUBOIS], I send to the Secretary's desk and ask to have inserted in the RECORD, without taking the time of the Senate to read it, some correspondence with the Department of Justice as to prosecutions in New Mexico and Arizona. I will only state that there were thirty-one convictions, fifteen of which were in New Mexico, and not one of them was a Mormon. There were sixteen prosecutions in Arizona, and only ten of them were Mormons, and all of them were convicted of cohabitation on account of marriages which occurred prior to 1887.

The VICE-PRESIDENT. In the absence of objection, the communication referred to by the Senator from Ohio will be incorporated in the RECORD without reading.

The correspondence referred to is as follows:

Correspondence between Senator Smoot and the Department of Justice relating to the number of polygamists in the Territories of Arizona and New Mexico.

WASHINGTON, D. C., *March 27, 1906.*

Hon. WILLIAM H. MOODY,
Attorney-General, Washington, D. C.

DEAR SIR: On page 3640, CONGRESSIONAL RECORD, March 9, 1906, Senator DUBOIS, of Idaho, made the following statement:

"I saw a list in the office of the Attorney-General of the United States of polygamists in Arizona, which list comprised from fifty to one hundred men and about three times as many women, and there was a large list also of polygamists in New Mexico. This has been ascertained by special agents of the Government, and of course did not include all, by any manner of means, who are living in this relation in those Territories.

If there is such a list in your office, I would be greatly obliged if you would let me know the number of men and also the number of women in the Territory of New Mexico and in the Territory of Arizona who are charged with being polygamists.

On page 3651 of the CONGRESSIONAL RECORD of the same date, Senator BURROWS, of Michigan, read extracts from a letter addressed to him from you, dated December 29, 1905, in which the following occurs:

"It will therefore be observed that the investigation conducted by the Department in the Territories of Arizona and New Mexico since the matter was first called to the attention of the Department by you has resulted in thirty-one convictions in these two Territories, in the majority of the cases upon the charge of unlawful cohabitation."

Please let me know how many of these thirty-one convictions were in Arizona and how many in New Mexico, how many were for unlawful cohabitation, and how many of those convicted were understood to be members of the "Mormon" Church. If you will give me the names of those convicted, I will find out if they are members of the "Mormon" Church; but I do not wish to ask for any information which it would be in any way improper for the Department to give out.

An early reply will be appreciated, and I will be obliged for any information you may be able to convey.

Yours, very truly,

REED SMOOT.

DEPARTMENT OF JUSTICE,
Washington, March 29, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th instant, making certain inquiries regarding the investigations conducted under the supervision of this Department of alleged violations of the laws of the United States against polygamy in the Territories of Arizona and New Mexico.

The report of the special agent shows that he investigated seventy-two cases against women and thirty-two cases against men in the Territory of Arizona, and seventeen cases against women and eight cases against men in the Territory of New Mexico.

Of the thirty-one convictions to which you refer, sixteen were in Arizona and fifteen in New Mexico. The report does not indicate who, if any, of this number were members of the "Mormon" Church, nor are the names of the persons of record here. However, if you desire their names and will so inform me, I shall be glad to write the United States attorneys for the Territories in question and secure them.

Respectfully,

H. M. HOYT,
Acting Attorney-General.

WASHINGTON, D. C., *April 2, 1906.*

The ATTORNEY-GENERAL,
Department of Justice, Washington, D. C.

SIR: I have the honor of acknowledging the receipt of your letter of March 29, 1906 (C. H. R. No. 35512), and thank you for the information contained therein. I will consider it a favor if you will write to the United States attorneys for the Territories of Arizona and New Mexico and secure the names of the parties constituting the

thirty-one convictions, as stated in your letter; sixteen in Arizona, and fifteen in New Mexico. I would also consider it a favor if you would ask the attorneys to indicate whether or not the persons convicted were members of the "Mormon" Church, their ages, and the dates of their marriages.

Thanking you in advance for this information, I remain,

Yours, respectfully,

REED SMOOT.

DEPARTMENT OF JUSTICE,
Washington, April 2, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, asking that I furnish certain additional information concerning convictions in the Territories of Arizona and New Mexico for unlawful cohabitation, etc.

I have directed the United States attorneys for these Territories to furnish the data as soon as practicable.

Respectfully,

M. D. PURDY, *Acting Attorney-General.*

DEPARTMENT OF JUSTICE,
Washington, April 17, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: Adverting to your letter of recent date requesting certain information regarding convictions for unlawful cohabitation in the Territories of Arizona and New Mexico, I beg to inclose you a copy of that portion of the letter from the United States attorney for Arizona furnishing the data for his Territory. The dates of the convictions of these persons, subsequently requested, have not yet been furnished this Department.

Respectfully,

M. D. PURDY,
Acting Attorney-General.

The names of the persons convicted of the above crimes are as follows:

For unlawful cohabitation: J. K. Rogers, Levi Savage, Joseph Fish, J. W. Brown, John P. Rothlisberger, Jacob Butler, David K. Udall, Jesse N. Smith, Henry M. Tanner, and Joseph W. Smith.

For adultery: Mariano Serrano, Mariano Gonzales, John W. Hardy, B. W. Birch, and Mrs. Kate Nelson. The latter two were jointly indicted.

For fornication: Francisco Flores.

For polygamy: Sam A. Nations.

However, from information received by me both from their counsel, the deputy marshal who arrested them, and the judge of the court who sentenced them, I can state that said ten persons were members of the Mormon Church, and that their ages in no case was under 43 years. And from information gathered from the same sources I feel safe in saying that their respective marriages dated back to no later period than 1887.

Relative to the convictions above reported for adultery, fornication, and polygamy, I beg to say that said convictions were had while my predecessor, Mr. Nave, was still in office, and I have never seen any of the defendants in said cases except Flores, Gonzales, and Hardy, and I know that they are not members of the Mormon Church. As to the other defendants in said last-mentioned cases, my information is and I feel certain in saying that they were not members of the Mormon Church. The records in my office do not show the ages of any of the defendants or their dates of marriage.

DEPARTMENT OF JUSTICE,
Washington, May 14, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to transmit herewith a copy of the report received from the United States attorney for the district of New Mexico covering the details of prosecutions for polygamy, etc., in that Territory.

Respectfully,

M. D. PURDY,
Acting Attorney-General.

LAS CRUCES, N. MEX., *May 9, 1906.*

The ATTORNEY-GENERAL,
Washington, D. C.

SIR: In reply to your message of the 6th in re the polygamy report, I have the honor to report the following:

FIRST JUDICIAL DISTRICT.

No. 1726. Higins *v.* Gonzales and Maria Naranji. Adultery.
No. 1739. Anacito Martinez and Lucia Gonzales. Adultery.

SECOND JUDICIAL DISTRICT.

No. 2131. Vidal Tapia and Bernarda M. de Mora. Adultery. Bernarda M. de Mora, plea of guilty. Vidal Tapia not arrested.

THIRD JUDICIAL DISTRICT.

No. 1305. Robert Le Brown and ——— ———. Bigamy. Defendant a fugitive. Cause stricken from docket with leave to reinstate.
No. 1344. Jesus Gonzales and Alejandra Trujillo. Adultery. Defendant Gonzales arraigned and plea of guilty. Defendant Trujillo not arrested.

FOURTH JUDICIAL DISTRICT.

No. 763. Bartoldo Gordovia and ——— ———. Adultery.
No. 758. Francisco Gallegos and ——— ———. Fornication.

FIFTH JUDICIAL DISTRICT.

No. 404. Vicente Gonzales and ——— ———. Adultery.

SIXTH JUDICIAL DISTRICT.

No. 23. Juan Montoyo and ——— ———. Incest.

None of these parties belong to the Mormon Church, and none of the parties married; as to their age, it is impossible to ascertain.

Respectfully,

W. H. H. LLEWELLYN,
United States Attorney.

List showing polygamists in Arizona and New Mexico.
[Compiled from affidavits in possession of Senator SMOOT.]

ARIZONA.

Name.	Residence.	Legal wife.	Plural wife.
*David K. Udall	St. Johns	Eliza L. S.	Ida F.
*John W. Brown	do	Cynthia	Thurza.
Williard Farr	do	Mary E. B	Mary Ann.
Andrew V. Gibbons	do	Elizabeth	Ella.
*Jacob N. Butler	Greer	Sarah Ann	Mary S.
*John P. Rothlisberger	St. Johns	Emma[a]	Adelide.[b]
Hyrum S. Phelps	Maricopa Stake, Mesa.	Clarinda	Mary E.
Elijah Pomeroy	do	Etta	Lucretia.
Timothy Metz	do	Lena	Anna.
*James K. Rodgers	Pima	Josephine	Louise.
D. P. Barney	Thatcher	Laura	Sophia.
Hyrum Brinkerhoff	do	Margrett	Ellen.
S. B. Curtis	do	Susan	Ella.
O. M. Allen	do	Diniah	Sorona.
William Ballard	Pima	Mary	Ellen.
James Gale	Franklin	Sarah	Elizabeth.
John Merrill	St. David	Rebbeca	Ester.
Jonathan Hoopes	Thatcher	Mary Ann	Susa.
H. N. Chlarson	do	Hannah	Christeen.
John Nuttall	Pima	Laura	Teeney.
Francis Kirby	do	Rachel	Leah.
Peter A. McBride	do	Ruth	Laura.
James Freestone	Layton	Mariah	Pauline.
J. J. Brady	Show Low	Mehetable	Mary.
*Jesse N. Smith	Snow Flake	Emma S	Emma, Janet M., Augusta M.
John Hunt	do	Sarah	Hapilona.
*Joseph W. Smith	do	Nellie M	Della.
Levi M. Savage	Woodruff	Lydia L	Hannah A.
David Brinkerhoff	do	Lydia	Vina.
*Joseph Fish	Holbrook	Eliza J	Julia, at Woodruff.
*Henry M. Tanner	St. Joseph	Eliza	Emma.

NEW MEXICO.

F. G. Neilson	Bluewater	Emma[c]	Mary Ellen.[d]
E. A. Tietjen	do	Emma O	Emma C.
Emer Ashcroft	Ramah	Finty	Agnes.
Benjamin D. Black	Fruitland	Susan	Alice.

[a] Residence, St. Johns. [b] Residence, Eagar.
[c] Residence, Bluewater. [d] Residence, Ramah.

In Arizona: Males, 31; females, polygamists' wives, 33.
In New Mexico: Males, 4; females, polygamists' wives, 4.
Star indicates those convicted for unlawful cohabitation.

Population of the Mormon Church in New Mexico.

Ramah	135
Mammond	142
Burnham	557
Luna	104
Total	938

Population of the Mormon Church in Arizona.

Maricopa stake	1,223
St. John stake	1,300
St. Joseph stake	3,678
Snowflake stake	1,570
Total	7,771

The above includes all souls in these Territories.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR BATE.

Mr. CARMACK. Mr. President, a few days ago I gave notice that on Saturday, the 16th instant, I would ask the Senate to consider resolutions of respect to my late colleague, Hon. WILLIAM B. BATE; but on account of the necessary absence of a number of Senators who wish to make remarks, and at their request as well as at the request of my colleagues from Tennessee in the other House, I wish to withdraw that notice, and I shall renew it at some future time.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. LODGE. Mr. President, I desire to offer an amendment to House bill 14396, being the Lake Erie and Ohio River Ship Canal bill, which has been pending in the Senate. I am obliged to leave the city to-morrow, and I will ask that the amendment which I send to the desk may be printed. It is to the proviso on page 10, beginning in line 11. It is intended merely to make the bill conform to the Niagara bill, which has passed both branches and is now in conference.

The Senator from Wisconsin [Mr. SPOONER] has kindly consented to take charge of and move the amendment in my absence. I have spoken to the Senator from Pennsylvania and the Senator from Minnesota, and they see no objection to the amendment.

The VICE-PRESIDENT. The proposed amendment will be printed and lie upon the table.

Mr. PENROSE. Mr. President, having yielded all the afternoon to other business, and therefore being disappointed in the

hope of disposing of the Lake Erie and Ohio River Canal bill this evening, I ask unanimous consent that it may be taken up to-morrow morning after the routine morning business shall have been completed.

The VICE-PRESIDENT. Is there objection to the request?

Mr. BACON. What is the request, Mr. President?

Mr. PENROSE. To take up the Lake Erie and Ohio River Canal bill to-morrow morning.

The VICE-PRESIDENT. The request is that the Lake Erie and Ohio River Canal bill, which has been under consideration, shall be taken up for consideration immediately after the routine morning business to-morrow. Is there objection? The Chair hears none, and that order is made.

AIDS TO NAVIGATION.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, 10, 16, 17, 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 11, 12, 13, 15, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In the first line of the language proposed strike out the word "light-ship" and insert in lieu thereof the words "light vessel;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In next to the last line of the language proposed strike out the words "to construct" and insert in lieu thereof the words "toward constructing;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Range lights, Superior pierhead, Lake Superior, Wisconsin, at a cost not to exceed twenty thousand dollars;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "A light and fog-signal station, Hinchinbrook entrance, Prince William Sound, Alaska, at a cost not to exceed one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Conferees on the part of the Senate.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Conferees on the part of the House.

Mr. HALE. I rise to a privileged motion.

Mr. NELSON. I ask that the conference report may be printed and lie on the table, to be taken up to-morrow.

The VICE-PRESIDENT. The order to print will be made, in the absence of objection.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 14, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 13, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON THE PUBLIC LANDS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the Committee on Public Lands have permission to sit during the sessions of the House.

The SPEAKER. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR BILL.

Mr. COUSINS. Mr. Speaker, I desire to call up the bill H. R. 19264, the diplomatic and consular bill, and ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. COUSINS] asks unanimous consent that the bill H. R. 19264 shall be taken from the Speaker's table and that the House nonconcur in the Senate amendments and ask for a conference. The Clerk will read the title of the bill.

The Clerk read as follows:

H. R. 19264. An act making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. COUSINS, Mr. CHARLES B. LANDIS, and Mr. FLOOD.

Mr. BANKHEAD. Mr. Speaker, the question of the transportation and distribution of manufactured and agricultural products is the most important subject that at present or hereafter can engage the attention of the lawmaker or the political economist. Upon the correct solution of this problem depends very largely the future greatness and prosperity of this country. Every article manufactured or produced must be transported to market by some means. The question may be well divided into three classes and treated under as many different heads: (1) Transportation by rail; (2) transportation by water; (3) transportation over the common highways or dirt roads.

I need not discuss the first proposition, as many days and weeks have been consumed in the debate on the bill now in the hands of the conferees, and which will doubtless become a law in its most essential features, and which is intended to regulate interstate commerce by rail and to fix and enforce just and reasonable rates. Every phase of the subject has been presented and discussed by able and experienced lawmakers, and to my mind the question of transportation by rail is settled so far as Congress can do it. Further discussion is therefore unnecessary until different conditions demand it.

The question of transportation and distribution by water is so different from that of rail transportation that an entirely different remedy must be applied. No country on the face of the earth is so blessed with navigable rivers and lakes as ours. They are nature's highways of commerce, which we are to use in making our country great. But if we are to get the full benefit of these noble streams they must be improved, the harbors deepened, and canals constructed wherever necessary to complete a system of continuous and uninterrupted navigation. They all flow to the sea, and across the sea are our foreign markets, which we must reach at the lowest possible cost if we expect to meet and undersell our competitors. We are constructing, at a very great cost, the Panama Canal, connecting the two oceans. If our rivers are not improved and our harbors deepened, over and through which our commerce must of necessity reach the canal, we will have lost to a great extent the benefits to be derived from the expenditure of the $200,000,000 required to construct the Panama Canal. We can not reach this canal by rail. We must go by water if at all.

Mr. Speaker, in my own State of Alabama there are nearly 2,000 miles of surveyed and approved rivers, some of which are being improved, but the progress is very slow on account of the inadequate appropriations made by Congress. Some of the most important of these rivers are being neglected and flowing idly to the sea. All of them reach the Gulf of Mexico through the harbor at Mobile, the Tennessee alone excepted. This harbor is the nearest port of importance to the eastern terminus of the Panama Canal. The rivers of Alabama traverse the entire State and flow through the great iron and coal deposits, virgin forests of timber, rich agricultural lands, and inexhaustible beds of cement rock. We demand that all these splendid arteries of commerce be improved so that every day navigation to the Gulf will be secured, and that the channel at Mobile be deepened to at least 27 feet and over the outer bar to 35 feet. When this work is completed and the Panama Canal is opened to commercial use the largest coaling station in the world will be located in Alabama, near Fort Morgan, and the splendid anchorage inside the bar is sufficiently deep and large to hold all the ships that pass through the canal, where all will fill their bunkers with Alabama coal, at a cost not to exceed $1.50 per ton.

In order to show the benefits of an increased export and import trade which have followed the improvement of the harbor at Mobile, I desire to submit certain figures that will settle forever the question of returns for the money expended in improving the harbor at that place and the rivers which flow into it. During the year 1885 4 steamships and 286 sailing ves-

sels entered that port. During the first eleven months in 1905 1,320 steamships and 488 sailing vessels entered the harbor. As late as 1894 the exports for the year were $2,823,690; the imports were $652,113. In the first eleven months of 1905 the exports were $18,407,214; the imports were $4,250,915. This is foreign trade alone. In 1884 43,830 bales of cotton were exported. In the first eleven months of 1905 180,708 bales of cotton left the port of Mobile for foreign markets. These figures show an increase of over 30,000 per cent since the active work of improving that harbor and the rivers began. I am indebted to Hon. R. H. Clarke, of Mobile, for these figures. Mr. Clarke was a Member of this House for ten years, and served on the Rivers and Harbors Committee.

Mr. Speaker, God has placed at our disposal and for our use the best and surest means for regulating railroad traffic and preventing unjust and unreasonable rates. The rivers belong to the people, and can not be combined or organized into a trust or corporation of unjust discrimination. They are free to every citizen who desires to use them. As a competitor the railroads must meet the much smaller cost of water transportation. The improvement of the rivers in Alabama and other States in the Union will reduce railroad rates at every point to a minimum cost of transportation. For illustration, about three years ago, when the river and harbor bill was being considered by the committee, Mr. Jones, of Pittsburg, of the firm of Jones & Laughlin, of that city, was before us. His firm is one of the biggest manufacturing industries of the United States. He stated that when navigation was good on the Monongahela River the freight charges on coal to his factory were at the phenominally low rate of 3½ to 4 cents per ton by barge, but when an accident happened to any of the locks on the river, whenever a freeze came and navigation was stopped, the railroads immediately advanced the charges to 44 cents per ton, or over eleven times as much as the river rates were. This would apply in Alabama, with our rivers opened to navigation, the same as in Pennsylvania. The Monongahela River is not so large as the Coosa and no larger than the Warrior River in Alabama, and neither of these streams ever freeze over.

A few million dollars expended under the continuing-contract system would add many millions to the wealth of the State and save many more millions to producers and consumers. River transportation is the safety valve for unjust and extortionate railroad charges. We are to spend $200,000,000 on the Panama Canal, all of which will be virtually wasted, so far as Alabama and the Southern States are concerned, unless we improve our rivers and harbors and construct necessary canals, so that we may supply the great demands which will be made upon us for the products of our coal, iron, and ore mines, our cement deposits and valuable timber forests, our cotton and other farm products, which will thus be brought so cheaply within reach of the markets of the world. Pittsburg is now demanding $40,000,000 in order that she may have improved water transportation to the Gulf of Mexico by New Orleans. Chicago is clamoring for $60,000,000 so as to connect the Great Lakes with the Gulf. Every section of the country is looking to the completion of the canal and seeking the cheapest means of transportation to it. The producer who reaches the consumer by the cheapest methods of transportation will always find a profitable market. The cost of transportation and the facilities given to it are the greatest factors in our future greatness both as a commercial and agricultural people.

The last Congress appropriated .64 per cent of our revenues for preparation for and reparation of war, and 4 per cent to improve the rivers and harbors of the country to facilitate the transportation of our vast and rapidly increasing commerce. The State of Alabama, which I, in part, represent, is one of the richest States in the Union in natural resources. Her vast iron and coal deposits are being rapidly developed, her cotton fields are being cultivated to their utmost capacity, her timber is being marketed at profitable prices, and nothing stands in the way of her soon becoming the rival of any State unless it be the means of cheap transportation. If our rivers were improved, our products would go south of us to the markets of the world and thereby relieve the home market of the sharp competition now existing. The day is fast approaching when we must rely upon foreign markets in which to dispose of our surplus product, or else competition at home will make business unprofitable. The Birmingham district alone produced last year 37,000,000 tons of freight—more than the great ports of London and Liverpool combined. All this vast commerce is moved by rail, at an average cost of three-fourths of a cent per ton per mile. The average water rate the country over is one-fifth of a cent per ton per mile. If the projected canal from Birmingham to the Warrior River, which has been surveyed and pronounced feasible, had been completed, and the Warrior and Bigbee rivers improved, the saving would have been enough in two years to have paid for the construction of the canal and the improvement of the rivers. These improvements must come. Our growing commerce demands it. The world's markets can not be reached without it.

The cost of transporting a ton of coal by water from Pittsburg to New Orleans, a distance of 2,000 miles, is 70 cents per ton, and when the contemplated improvements are completed it is estimated that the cost will be reduced to 50 cents per ton. The cost of transporting a ton of coal from the Birmingham district to New Orleans by rail, a distance of 448 miles, is $1.50 per ton. The rate from the Birmingham district to Mobile by rail, a distance of 247 miles, is $1.25 per ton. The rate from the Birmingham district by water, by way of the Warrior and Bigbee rivers, is estimated at 30 cents per ton. The cost of transportation over the Coosa and Alabama rivers will be less than over the Warrior and the Bigbee, because the former rivers are wider and will enable a larger number of barges to be towed at one time and consequently a greater number of tons. It is known that the greater number of tons a tow carries the cheaper the rate per ton, and it is estimated that coal could be delivered for domestic and export purposes over the Coosa and the Alabama rivers at not exceeding 25 cents per ton. When the improvement on the Tennessee River at Colbert Shoals is completed and the minor obstructions between that point and Chattanooga are removed it will open a waterway to the Mississippi at Cairo and give continual water connection with all the markets on the great Mississippi River and its tributaries, including St. Louis, Cincinnati, Louisville, and Pittsburg. When the Chicago Ship Canal is completed, which the enterprising people of that wonderful city are now so vigorously pressing before Congress, all of the ports on the Great Lakes, including Duluth, Detroit, Cleveland, Buffalo, and through the Erie Canal the great city of New York, will be connected by a continuous waterway to Chattanooga, Tenn.

The human mind can not conceive the wonderful benefits these waterways when completed will bring to the people of the Southern States. Our natural resources are almost inexhaustible, and when we consider that the value of the cotton crop in the Southern States for the last five years exceeds the entire production of gold and silver in the world by more than $400,000,000 we are forced to the conclusion that the day is rapidly approaching when the South will be the most prosperous section of the country.

It is only through a system of improved waterways that the great, cheap, and heavy products of the mine, forests, and fields are profitably brought to tidewater and thence to the world's markets. With this knowledge before us an imperative demand is upon Congress to go forward actively and energetically with a system of river and harbor improvements.

Mr. Speaker, while we are considering the question of the transportation of the products of the various industries of our country and the cost thereof, we should treat the subject from the broadest point of view. To my mind, the condition of the wagon roads, over which 90 per cent of all the commerce of the country is transported, presents a problem for legislation by Congress far more serious and important in its results than that of railroad-rate regulation. The tax imposed on agricultural products between the starting point and the railroad station or river landing by the miserable condition of these dirt roads is very much greater than the railroad or steamboat charges for carrying them to their ultimate destination. There is no necessity for making an argument to prove the value of good roads. They save worry, waste, and energy. They economize time, labor, and money, and enhance the value of property.

The authority and constitutional warrant for governmental aid to road construction is as old as the Government itself. Jefferson, Clay, Calhoun, and Webster were all in their day advocates of Government aid for good roads. Jefferson said:

> Give us peace until our revenues are liberated from debt, and during peace we may checker our whole country with canals and good roads. This is the object to which all our endeavors should be directed.

He further said:

> I experience great satisfaction at seeing my country proceed to facilitate the intercommunication of its several parts by opening rivers, canals, and roads. How much more rational is this disposal of public money than that of waging war.

Madison, in his messages to Congress, urged this policy of road building by the Government. Clay, Webster, and Calhoun, that great triumvirate and champions of the people's rights, all favored appropriations from the Federal Treasury for road construction. Good roads are the initial fountains of commerce. The cost of hauling agricultural products alone over our dirt roads in their present condition is estimated by the Agricultural Department to be $600,000,000 a year more than it would be over a system of good roads. It is estimated every time

the sun sets the American farmers have lost $1,500,000 because of the poor condition of the roads. The following table of cost of transportation by the three means enumerated will perhaps interest and instruct our farmer friends:

Cost of hauling per ton, horsepower, over dirt roads 5 miles	$1.25
Cost of hauling per ton, steam power, 250 miles	1.25
Cost of hauling per ton, by river, 500 miles	1.25
Cost of hauling per ton, by steamship on Lakes, 1,000 miles	1.25

It will be seen from the above figures that the amount of money it takes to haul a ton 5 miles on our dirt roads will pay the freight for 250 miles on a railroad or 500 miles on a river and 1,000 miles on the Lakes. These figures prove conclusively the enormous tax levied by the bad roads on the farmers, and how much of their legitimate profit is consumed in hauling from the farms to the railroad station, river landing, and to the towns and cities. Not only have the farmers suffered great loss on account of poor roads, but the people in the towns and cities who depend upon them for their supplies have suffered also.

The residents of towns and cities are willing to stand their share of the expense for a system of good roads. They are the gainers because in the end they must stand a great portion of the cost of hauling farm products; they are the gainers because with good roads there will never be an oversupply of farm products in good weather and a scarcity in bad weather; they are the gainers because the mail-order business has been improved since the introduction of rural free delivery and because this increase is but the beginning of what it will be when good roads are the rule instead of the exception; they are the gainers because every act which promotes the general welfare of the country districts increases the buying power of the farmers and stimulates the commerce which makes the existence of towns and cities a possibility. With good roads the farmer does not wait for a good dry day to market his products, but goes to town in bad weather when he can not work on the farm, and when good weather comes he works to make more to carry to market. Millions of dollars are saved to the farmer by being able to go to market when his products are ready and command the highest price. What the farmer needs and must have before he prospers as his labor and industry entitle him to is good roads, so that he can go to market any day in the year when he has something to sell that somebody else needs. Good roads will make farm life more cheerful and will contribute largely to the happiness and contentment of the farmer and his family, who will become better satisfied with life in the country.

The question of governmental road construction has been successfully tried for many years in other countries. The rural population are entitled to share in the benefits bestowed by the National Government. The expense to them of improving and building roads should not be an item of worry. Roads are built and improved by contract, and the farmer can always get a good price for his labor and team when not needed on the farm. The work is usually done during the summer months when the farmer is not engaged in his crop. He can get from $3 to $4 per day for himself and team. The cost of hauling is more than half the expense of building roads in agricultural districts, and therefore instead of being a burden it will become a source of revenue, and his services and that of his team could be profitably employed every day he could spare from the farm. There is timber enough in Alabama too far from any railroad to be profitably hauled to market over the roads in their present condition which if placed on the market would pay for the improvement of every mile of road in that State. If the highways were improved every stick of this timber or the lumber manufactured from it could go to a profitable market, but the mud tax at present imposed makes this impossible.

Mr. Speaker, there is another side to this question of good roads. There is an intellectual side to it. The maintenance and extension of the free-delivery service depends upon good roads. We are appropriating this year $28,000,000 for the rural delivery service, an increase of $7,000,000 over the last appropriation for the same class of service. There is no service rendered by the Government that the people in the rural districts appreciate more highly than the delivery of their mails to their doors every day. This service was inaugurated in the year 1896, about ten years ago. Its growth has been phenomenal. When the Post-Office Department began the experiment of sending the mail to the doors of more than 20,000,000 farmers it was predicted that the expense would be so enormous that the task would never be accomplished. By the extension of rural free delivery farm life is made more attractive, and the farmer comes into daily contact with the social and business world. Every day he may receive market reports, which tell him of the price of every product he may have to sell. The daily newspapers and magazines can also be received.

The extension and perfection of this service depends largely upon the condition of the country roads. Last year 456 petitions were filed for the establishment of rural free-delivery routes in Alabama, 225 of which were reported adversely by the inspector and 224 were established. Half of the routes petitioned for were rejected mainly on account of the unsatisfactory condition of the roads over which the carrier would have to travel. Frequently routes are established upon condition that those interested in the route will improve the roads over which it goes. The Constitution gives Congress power to establish post-offices and post-roads, and every road over which there is a rural free-delivery route has been declared by an act of Congress to be a post-road. Therefore it is as much the duty of Congress to provide good roads over which the mails are to be carried as it is to establish post-offices. We are appropriating millions of dollars to build post-offices and to establish rural delivery.

Now let us begin to improve the post-roads so as to increase and extend rural delivery until all the people are supplied with daily mail at their doors. If Congress will appropriate as much money each year toward the improvement of the post-roads over which the mail must pass as it appropriates to the maintenance of the rural delivery system, in a few years the roads will be improved and all the people supplied with daily mail. The good of the service demands it. The rural free-delivery carrier, an employee of the Government, in my opinion, is entitled to better treatment. For six days in the week and fifty-two weeks in the year he is required to drive his wagon and team over a miserably rough road, which kills his horse and wears out his wagon. He is not paid a sum commensurate with his service—not as much as the city carrier, who is not required to furnish a team or wagon and who has splendid streets and pavements to travel while delivering the mail. It is important that the Government should assist in providing him with good roads over which it requires him to travel, so that he may save his horse and wagon from wear and tear and enable him to serve the Government and patrons along his route more efficiently. He should also be given at least fifteen days' vacation each year. All other Government employees receive this consideration.

Mr. Speaker, the gentleman from Georgia [Mr. LEE] addressed the House on April 5, in which he discussed Federal aid to road construction. He displayed such an intimate knowledge of the subject and stated so many homely truths that I beg to quote his language. He said:

> If the Army needs a road, it gets it. Even our unprofitable and expensive possessions, the Philippine Islands in the Far East, have been the objects of our solicitous care to the extent of expending $5,000,000 in building roads for them. Porto Rico, though not much larger in area than some of our counties, has had over $3,000,000 expended upon its roads since it came into our possession. During our brief occupancy of the island of Cuba our Government expended two and a half millions upon its public roads. Even those little dots out in the Pacific, the Hawaiian Islands, acquired by diplomatic legerdemain, have come in for a share and have a contemplated expenditure of two and a half millions upon their roads.
>
> These various sums aggregate $13,000,000 that have been expended during the past few years in building roads, not a foot of which lie within the United States. What have we against our own people that we should deny to them blessings that are freely extended to the idle islanders of the seas?
>
> But other interests and forces are coming to the aid of the solitary, the isolated, the unorganized, and almost unorganizable farmer. The manufacturer, learning from experience that bad roads interfere materially with his obtaining steady and continuous supplies of raw material, wants the roads improved. The millions of operatives in mines, mills, and shops are learning that bad roads increase the cost and disturb the regular supply of food products from the farms which they must have, and they want better roads. The merchant has learned that bad roads retard and depress trade, and he wants them mended. Our Post-Office Department is greatly hindered and hampered in its efforts to supply to the country regular, prompt, and reliable mail service for lack of better roads. In fact, it would be hard to name an interest, an industry, or an individual who would not be benefited by better roads.

Mr. Speaker, there are several bills pending before Congress looking to the improvement of the highways and post-roads of the country, one of which I introduced myself. The bills provide that nothing therein contained shall prevent the States or Territories or civil divisions thereof from receiving credit for labor, material, and machinery used in the construction or improvement of said highways or sections thereof. The appropriations provided shall be distributed in the following manner:

> No State or Territory shall receive in any one year a larger proportion of the sum hereby appropriated than its population bears to the total population of the United States.

It will be seen that this provision prevents one State or Territory from receiving more of the appropriation than its just proportion. Why should the farmers of the country be required to bear the whole burden of constructing and maintaining the

highways and post-roads? They are not for their exclusive use. They are free to everyone who desires to travel over them or to transport commodities of any kind. Indeed, those who at present are compelled to construct and maintain these roads derive less benefit in actual returns than those who do not contribute one cent to construction and maintenance. It is the duty of the Government to give these patient, toiling people a "square deal."

Let us hasten the day when the public highways and the rivers of the United States shall become great arteries of commerce and potent factors in producing that wealth and prosperity which will indeed make us the greatest and happiest people on the earth.

MARINE-HOSPITAL SERVICE.

Mr. WANGER. Mr. Speaker, I desire to call up the conference report on the bill (S. 4250) to further enlarge the powers and the authority of the Public Health and Marine-Hospital Service and impose further duties thereon, and ask that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania [Mr. WANGER] calls up the following conferenee report and asks unanimous consent that the statement may be read in lieu of the report. Is there objection as to the latter part of the request?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with the following amendments:

In line 6, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In line 13, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In lines 1 and 2, section 1, page 2, strike out the words "having on board any person with yellow fever and;" and the House agree to the same.

In line 4, section 5, page 6, after the word "purposes," insert the words "and the quarantine stations established by authority of this act shall, when so established, be used to prevent the introduction of all quarantinable diseases;" and the House agree to the same.

In lines 10 and 11, section 6, page 6, strike out the words "or any permanent structures or improvements be made or maintained thereon;" and the House agree to the same.

Strike out all of section 7; and the House agree to the same.

In line 10, section 8, page 7, after the word "fever," insert the words "and other quarantinable diseases;" and the House agree to the same.

In line 12, section 8, page 7, after the word "eradicating," strike out the word "it" and insert in lieu thereof the word "them;" and the House agree to the same.

In line 12, section 8, page 7, after the word "should," strike out the word "it" and insert in lieu thereof the word "they;" and the House agree to the same.

In line 13, section 8, page 7, after the word "preventing," strike out the word "its" and insert in lieu thereof the word "their;" and the House agree to the same.

In line 14, section 8, page 7, after the word "destroying," strike out the words "its cause" and insert in lieu thereof the words "their causes;" and the House agree to the same.

W. P. HEPBURN,
IRVING P. WANGER,
C. L. BARTLETT,
Managers on the part of the House.

JOHN C. SPOONER,
FRANK B. BRANDEGEE,
S. R. MALLORY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

That managers on the part of the House on the disagreeing vote of the two Houses on Senate bill No. 4250, make the following statement to accompany the conference report thereon:

The Senate recedes from the House amendments and agrees to the same with the eleven amendments thereto following to be agreed to by the House.

Amendments Nos. 1 and 2 are phraseological, by inserting in lieu of the word "seacoast" the words "coast line," whereby all question respecting the application of the bill to the coast of the Gulf of Mexico is avoided;

Amendment No. 3 relieves the bill of superfluous language and avoids possible controversy;

Amendment No. 4 makes clear the utility of the quarantine stations after establishment for all proper quarantine purposes;

Amendment No. 5 permits improvements pending the cession of jurisdiction by the State;

Amendment No. 6 removes from the bill its only provision with reference to interstate commerce;

Amendment No. 7 enlarges the purpose for which the appropriation is made;

Amendments Nos. 8, 9, 10, and 11 are phraseological and harmonize the language of the section with amendment No. 7.

W. P. HEPBURN,
IRVING P. WANGER,
C. L. BARTLETT,
Managers on the part of the House.

Mr. WANGER. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

COLLECTION DISTRICTS IN TEXAS.

The SPEAKER laid before the House the bill (H. R. 10715) to establish additional collection districts in the State of Texas, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. CURTIS. Mr. Speaker, I move to disagree to the Senate amendments and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. CURTIS, Mr. BOUTELL, and Mr. CLARK of Missouri.

SUBDIVISION OF PUBLIC LANDS.

The SPEAKER laid before the House the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, with Senate amendments.

Mr. MONDELL. Mr. Speaker, I ask that the House disagree to the Senate amendments and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. MONDELL, Mr. REEDER, and Mr. SMITH of Texas.

COMMITTEE ON INVALID PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I ask for present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Invalid Pensions be authorized to have such printing and binding done as may be required in the transaction of its business during the Fifty-ninth Congress.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

SUNDRY CIVIL BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19844) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19844—the sundry civil appropriation bill—with Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. TAWNEY. Mr. Chairman, I ask now to return to page 66, beginning at line 3, the first paragraph under the head of "Expenses of collection of revenue from sales of public lands."

The CHAIRMAN. The gentleman from Minnesota calls up that portion of the sundry civil bill commencing on line 3, page 66, "Expenses of the collection of revenue from sales of public lands," which was passed over without prejudice on a previous day. The Clerk will read the paragraph.

The Clerk read as follows:

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

Salaries and commissions of registers and receivers: For salaries and commissions of registers of district land offices and receivers of public moneys at district land offices, at not exceeding $3,000 per annum each, $500,000.

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At end of line 9, page 66, insert the following:

"That no receivers of public moneys for land districts shall hereafter be appointed, and in all cases where the term of office of such receiver for any land district has expired or shall hereafter expire, and in all cases where the office of such receiver for any land district has or shall become vacant by reason of death, resignation, or removal, all the powers, duties, obligations, and penalties lawfully imposed upon such receivers and upon the registers of the land office for such district shall be imposed upon and exercised by such registers; and such registers shall, in addition to the duties thus imposed, have charge of and attend to the public sale of Indian lands within their respective districts, as provided by law and official regulation, and shall be accountable under their official bonds for the proceeds of such sales and for all fees, commissions, and other moneys received by them under any provision of law or official regulation; and all fees and commissions now allowable under law to both such registers and receivers shall, in all land offices for which there is no receiver of public moneys, be paid to and accounted for by the register in the same manner and in like amounts in which they are now required to be paid to and accounted for by such receivers; but the compensation of such registers shall in no case exceed $3,000 per annum.

That the Secretary of the Interior may appoint or designate a deputy register, without regard to the requirements of the classified service, for any land office in which there is not a receiver of public moneys, which chief clerk shall receive such salary, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize, and such chief clerk shall perform such duties as may be directed by the register of the land office for which he is appointed, or by official regulation, and he shall, during the absence of such register, or in case of a vacancy in the office of such register, exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulation; but such chief clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such chief clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction.

Mr. MONDELL. Mr. Chairman, I make the point of order this is new legislation.

Mr. LACEY. I will ask the gentleman from Wyoming to reserve the point of order.

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. MONDELL. I make the point of order.

The CHAIRMAN. The gentleman makes the point of order. Does the gentleman from Iowa desire to be heard?

Mr. GAINES of Tennessee. I hope the gentleman will reserve the point of order until we can discuss the question.

Mr. LACEY. I would like to be heard on the proposition.

Mr. GAINES of Tennessee. The matter was voted down in the committee, and not considered in the committee, and we are anxious to consider it in the House on its merits.

Mr. MONDELL. I insist on my point of order.

The CHAIRMAN. The gentleman from Wyoming makes the point of order. Does the gentleman from Iowa desire to discuss the point of order?

Mr. LACEY. I would like to be heard before the point of order is disposed of.

Mr. Chairman, this is a proposition to save the United States of America $250,000 a year, and I thought perhaps a proposition to save the Government $250,000 is so unusual that the point of order would not be suggested against it.

Mr. MONDELL. I understand the gentleman rises to discuss the point of order?

Mr. GAINES of Tennessee. The gentleman will certainly allow the gentleman from Iowa to state his premises and state the law, so that he can discuss the point of order as to whether it is an unusual proposition.

Mr. LACEY. It is an unusual proposition, unquestionably. It will save this amount of money a year; and it being so unusual, it may be said to be new, at least in this respect.

But, Mr. Chairman, every once in a while I feel the wisdom of the old Holman rule, that any amendment on an appropriation bill which reduces the expenditures and saves money to the Government ought to be competent, ought to be proper. I suppose that as a matter of parliamentary law this amendment is a new proposition; but yet I would like to have the Chair fully understand it before ruling upon it.

In 1796 the land law was first enacted, providing for the opening of the Northwest Territory. It provided that the governor of that Territory and the Secretary of the Treasury should sell the public land. Later on the act of May 10, 1800, was passed, which provided for the registers of the land office to make the sales and for receivers of the public moneys. The condition at that time was peculiar. The public moneys received consisted of bank bills of various values and denominations, of Spanish milled dollars, of French money—in fact, of almost all kinds of money except money of the United States—and the proposition of taking care of that money and getting it into the Treasury involved a good deal of difficulty, so that a special officer was selected for that purpose. That officer being thus designated and not being fully employed, ultimately was given authority to sit in connection with the register in land cases. Having been given that jurisdiction, the office of receiver has been maintained from 1800 down to the present time, long after all necessity for its existence has disappeared.

The Commissioner of the General Land Office and the Secretary of the Interior in their official report this year have asked that this office be abolished, and that the Register of the Land Office be directed to perform the functions, which he can do without difficulty. There is no necessity for a receiver now. There is always a national bank near into which the money may be turned as a deposit by all land officers of the United States, or nearly all, and by registered mail and postal orders the money can be readily covered into the Treasury without loss or delay. The receiver is no longer necessary.

Now, this proposition in the form in which I offer it does not do away at once with the receivers, but permits them to go out of office as their terms expire, and when one of them goes out there shall be no reappointment. The actual expense, as shown by the Commissioner of the Land Office, of this office for the last five years up to last June has been $1,471.216. If the office is abolished, it will be necessary to have one of the clerks in the office designated to perform the duties of register in the absence of the register, and to perform the duties heretofore performed by the receiver in the absence of the register also. It will require the appointment of about twenty-five chief clerks in offices that now have no clerk and the designation of a chief clerk in each of the others from among the clerical force of the office.

Mr. MONDELL. Mr. Chairman, my understanding is that the gentleman rose to discuss the point of order.

Mr. LACEY. I am stating the proposition first.

The CHAIRMAN. The gentleman from Iowa stated to the Chair that he desired to discuss the point of order. The Chair indulges the presumption that the gentleman from Iowa is laying the foundation for his discussion of the point of order.

Mr. GAINES of Tennessee. "How firm a foundation, ye saints of the Lord!" [Laughter.]

Mr. LACEY. I think if the gentleman from Wyoming understands the proposition, he should withdraw the point of order in order to save the expenses of five or six receivers in his State. It would increase the irrigation fund by that much.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. LACEY. Yes.

Mr. RUCKER. I do not want to ask a question that would in anywise induce the gentleman to discuss the merits of the proposition, but he said something a moment ago about the number of clerks that would have to be appointed.

Mr. LACEY. Yes; there would be about twenty-five.

Mr. RUCKER. At increased salaries, and at every session of Congress following we would be asked to increase them.

Mr. LACEY. Oh, no; not at all. A clerk in every office that has a clerk now can be designated to act.

Mr. RUCKER. Would it not mean that about twenty-five dudes from the District of Columbia would be sent out to these land offices to do the work that ought to be done by people living in the district?

Mr. LACEY. No; the amendment provides that they shall be selected outside the civil service, so that we would be relieved from that difficulty as to these particular appointments.

The CHAIRMAN. It seems to the Chair that we are wandering somewhat from the point of order.

Mr. LACEY. I am being led away from the point of order by the gentleman from Missouri [Mr. RUCKER].

Mr. BURKE of South Dakota. I desire to ask the gentleman a question in regard to a statement of fact which he has made. I believe he has stated the figures which would represent the saving in expense to the Government if receivers were done away with.

Mr. LACEY. Yes; there would be that saving.

Mr. BURKE of South Dakota. I should like to ask the gentleman if the fees of registers and receivers are not based upon the moneys which they receive, and is it not a fact that in many instances those fees are paid by entrymen?

Mr. LACEY. Substantially all paid by entrymen.

Mr. BURKE of South Dakota. Is it not true that there is no salary for registers and receivers above $500 a year, except commissions; that is, that if the commissions exceed $500 a year, no salary is paid?

Mr. LACEY. We appropriated last year out of the commissions received by these officers for their public services $285,835. Under this proposition that would all have been saved, every dollar of it, except about $25,000 to pay for additional clerks, leaving a net saving of about $260,000, based on last year's business. Now, I wish to incorporate in my remarks a statement made by the Commissioner of the General Land Office. The salary of each receiver is $500, with fees of his office in addition up to $3,000.

Mr. STAFFORD. I wish to inquire whether, in the opinion of the Chair, the gentleman is speaking on the point of order?

The CHAIRMAN. The Chair is of the opinion that up to this time the gentleman has not seriously discussed the point of order.

Mr. LACEY. Mr. Chairman, I have almost completed my statement as to the facts. I want to incorporate the statement of the Commissioner, which I will not take the time to read.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILLIAMS. I understood the gentleman from Illinois [Mr. MANN] yesterday to say that he was going to object to all extraneous debate. I do not see him in his seat at this moment, and I feel somewhat disposed, as a personal friend of his, to do that which he gave notice he would do if he were here. I do not think this can possibly bear upon the point of order.

The CHAIRMAN. The Chair thinks not.

Mr. GAINES of Tennessee. Mr. Chairman, it does bear upon the point of order, because it states the law.

The CHAIRMAN. The gentleman from Iowa has the floor, if he has anything to say on the point of order. [Cries of "Rule!" "Rule!"]

Mr. GROSVENOR. Mr. Chairman, if the gentleman will yield to me, I should like to ask what improvement on present conditions it is claimed that this amendment will make?

Mr. LACEY. It will provide that one man shall do the work heretofore duplicated by two. It is just the opposite of the old proposition of making two blades of grass where only one grew before. We would have one employee of the Government where we had two before. The work would be done as well by one.

Mr. GROSVENOR. And it would change the law to that extent?

Mr. LACEY. It would change the law to that extent.

Mr. GROSVENOR. Then is there any necessity to argue this point any further on the point of order made by the gentleman?

Mr. LACEY. It is not a mere question of academic study. I think it is for the Committee on Rules to give us an opportunity to save this amount of money, and that is the reason I want to get the facts before the House.

Mr. MONDELL. Mr. Chairman, I desire to discuss the point of order. I think it is not necessary to discuss it at any great length.

The CHAIRMAN. The Chair is ready to rule on the proposition.

Mr. MONDELL. I desire to discuss it briefly for the enlightenment of the Chair and the House. The gentleman from Iowa, discussing the point of order, made the claim that it was in the interest of economy. If, as a matter of fact, it was permissible in discussing the point of order to go into that question of economy, it would be clearly demonstrated to the satisfaction of every Member of the House that the Government would not save a penny by the abolition of the office of receiver of the General Land Office.

Mr. PAYNE. If that is correct, why not reserve the point of order and let us discuss it? I would like a little light on it myself.

Mr. MONDELL. My understanding is that the committee desire to get on with the bill and did not desire to have a long discussion on the subject. As a matter of fact, this would lead to a substitution of officers appointed by the President for the performance of important duties with which they are acquainted, by civil-service clerks, and in the main the change would be an additional charge upon the Treasury. The gentleman seemed to have forgotten that of this appropriation of $400,000 only $117,000 is a charge upon the Treasury of the United States, the balance being funds received as fees and commissions, and if we save this amount it will flow not into the Treasury of the United States, but into the reclamation fund.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order.

The CHAIRMAN. The point of order is well taken, and the Chair is ready to rule. The Chair sustains the point of order.

Mr. LACEY. Mr. Chairman, in line 7, page 66, I move to strike out the following words: "And receivers of public moneys."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 7, page 66, strike out the words "and receivers of public money."

Mr. MONDELL. Mr. Chairman, I make the point of order that that is a change of existing law and new legislation.

Mr. LACEY. I am ready for the Chair to rule on the point of order.

The CHAIRMAN. The Chair overrules the point of order. A motion to strike out is not subject to a point of order.

Mr. LACEY. Now, Mr. Chairman, I think I have already obtained leave to insert in my remarks the report of the Commissioner of the General Land Office upon this subject; and if not, I ask leave to do it now.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa to print as a part of his remarks the extract from the report of the Commissioner of the General Land Office?

There was no objection.

The following is the portion of the report referred to:

RECOMMENDATION THAT THE OFFICE OF RECEIVER OF PUBLIC MONEYS FOR UNITED STATES LAND OFFICES SHOULD BE ABOLISHED AND A QUARTER OF A MILLION DOLLARS ANNUALLY SAVED TO THE GOVERNMENT.

The office of receiver of public moneys was created by the act of May 10, 1800 (2 Stat. L., 73), whereby four land offices were established, each to be under the direction of an officer to be called a register of the land office. Certain lands were, by the terms of the act, to be sold, and all the payments therefor were to be made either to the Treasurer of the United States or to such person or officer as should be appointed by the President of the United States, with the advice and consent of the Senate, receiver of public moneys.

By that act the duties of receivers were, generally speaking, to receive and receipt for moneys paid for the purchase of lands and duly pay over and account for the same. Subsequently, as other land offices were created, the several acts establishing the same made the same provisions for the appointment of a register and receiver at each, and this is a requirement of the law as it now stands. (See R. S., sec. 2234.)

The apparent object in appointing receivers was, perhaps, mainly for the convenience of purchasers of public lands, who were thereby relieved of the necessity of making payments directly to the Treasurer of the United States, and given an officer to whom, and a place where, payments in purchase of lands might be made with a minimum of inconvenience. In those days the transmission of money from the frontier to the Treasury was attended with much trouble, cost, and danger of loss.

The duty of the register, as his name implies, was largely that of a recording officer.

Under the act referred to neither the register nor receiver was clothed with any judicial function, nor were they required to act jointly in any particular. The judicial, or quasi-judicial, function appears to have been first conferred by the act of March 3, 1819, which provided that the register and receiver would hear testimony relative to mistakes and report the same with their opinion to the Treasurer of the United States.

By the act of May 24, 1824 (4 Stat. L., 31), the register and receiver, or either of them, might administer an oath.

By the act of May 29, 1830 (4 Stat. L., 420), proof of settlement and improvements should be made to the satisfaction of the register and receiver.

By the act of June 1, 1840 (5 Stat. L., 382) a preemptor was required to make satisfactory proof of his or her residence before the register and receiver.

By the act of September 4, 1841 (5 Stat. L., 456), questions as to the rights of preemption, arising between different settlers, were to be settled by the register and receiver, subject to appeal and revision by the Secretary of the Treasury, whose appellate jurisdiction was transferred to the General Land Office by section 10 of the act of June 12, 1858 (11 Stat. L., 326).

The substance of the two last-mentioned acts is expressed in section 2273, Revised Statutes. Indeed in every instance the judicial, or quasi-judicial, function has been conferred jointly upon the register and receiver, except where abandonment is, by the terms of section 2297, Revised Statutes, required to be proven to "the satisfaction of the register of the land office." Yet by the rules of practice, even in cases of abandonment, as in the trial of all other issues before the local office, both register and receiver must pass in judgment thereon. It is now firmly established that the office is one, while its body is dual. A vacancy in either office disqualifies the remaining incumbent for the performance of the duties of his own office.

From a consideration of the foregoing it appears that the duties of the receiver have been gradually extended from those of merely receiving and accounting for public moneys to those of an officer vested with judicial functions, joint and coordinate with that of the register.

It is believed that existing conditions are such as to warrant and suggest the abolition of the office of the receiver, and the vesting in the register of the functions now performed by the receiver, for the following reasons:

1. The volume of work now transacted and receipts of money at many, if not all, of the local offices is not such as to require the services of both officers.

The following table, covering all the land offices, shows the number of clerks, the number of entries, the total receipts, and the total expense of each office; and also shows the compensation of each receiver (the register and receiver each receive the same compensation) for the fiscal year ended June 30, 1905:

Land office.	Number of—		Total receipts.	Expense of maintaining office.	Compensation of receivers.
	Clerks.	Entries.			
Huntsville, Ala		637	$5,532.05	$3,421.54	$1,257.69
Montgomery, Ala	2	1,489	22,662.70	6,762.62	2,403.21
Juneau, Alaska		167	10,432.91	4,575.58	1,940.12
Prescott, Ariz		776	17,264.80	4,043.96	1,754.79
Tucson, Ariz	1	627	40,187.76	7,042.90	2,786.30
Camden, Ark	2	1,806	35,022.91	8,528.09	3,000.00
Dardanelle, Ark	1	851	15,465.12	4,750.73	1,999.84
Harrison, Ark	2	2,302	44,427.08	8,767.37	3,000.00
Little Rock, Ark	1	998	12,977.87	6,426.21	2,392.87
Eureka, Cal	1	579	52,290.58	7,523.11	2,679.73
Independence, Cal		124	7,661.83	2,181.64	985.66
Los Angeles, Cal	2	3,465	46,876.10	9,612.50	3,000.00
Marysville, Cal		200	12,409.74	2,968.32	1,297.10
Redding, Cal	1	659	53,891.27	7,481.48	3,000.00
Sacramento, Cal	1	350	24,951.99	5,489.75	2,214.94
San Francisco, Cal	2	1,003	32,541.08	8,248.48	3,000.00
Stockton, Cal		523	17,403.52	4,863.10	2,418.59
Susanville, Cal	1	1,563	266,367.23	7,804.18	3,000.00
Visalia, Cal		349	21,156.70	4,302.68	1,916.34
Akron, Colo		287	4,999.83	2,953.04	1,318.60
Del Norte, Colo		237	8,464.57	2,633.48	1,178.18
Denver, Colo	2	1,840	93,726.55	9,120.01	3,000.00
Durango, Colo	1	687	28,349.88	7,185.38	2,703.12
Glenwood, Colo	1	1,057	107,577.73	8,476.81	3,000.00
Gunnison, Colo		201	5,607.95	2,422.28	1,134.78
Hugo, Colo		441	8,350.15	4,950.92	2,356.65
Lamar, Colo		190	4,016.67	3,019.55	1,135.28
Leadville, Colo		203	12,180.03	3,583.96	1,200.67
Montrose, Colo	1	647	10,902.49	6,546.10	2,380.94
Pueblo, Colo	4	1,301	70,400.17	10,902.53	3,000.00
Sterling, Colo		259	5,504.01	3,312.01	1,387.75
Gainesville, Fla	4	2,936	77,076.73	11,064.00	3,000.00
Blackfoot, Idaho	2	1,592	53,406.71	8,586.48	3,000.00
Boise, Idaho	3	1,913	120,357.90	9,627.42	3,000.00
Coeur d'Alene, Idaho	1	981	110,984.50	8,939.79	3,000.00
Hailey, Idaho	1	1,542	30,244.90	6,627.86	2,940.82
Lewiston, Idaho	2	1,684	109,942.34	9,829.52	3,000.00
Des Moines, Iowa		4	719.25	1,586.22	747.81
Colby, Kans	1	610	9,670.28	5,620.27	2,114.64
Dodge City, Kans	3	1,298	22,998.30	8,020.67	2,833.28
Topeka, Kans		47	1,322.50	1,382.17	653.13
Wakeeney, Kans		439	8,058.70	3,835.69	1,552.83
Natchitoches, La	1	764	23,713.63	5,853.90	2,249.75
New Orleans, La	3	1,457	41,592.83	9,221.55	3,000.00
Marquette, Mich	2	822	42,569.23	8,269.81	2,984.28
Cass Lake, Minn	2	1,358	68,599.18	9,102.82	3,000.00
Crookston, Minn	2	2,581	46,602.18	9,171.35	3,000.00
Duluth, Minn	2	2,995	243,680.02	11,273.94	3,000.00
St. Cloud, Minn	1	718	14,147.06	5,332.03	2,012.02
Jackson, Miss	3	1,786	32,342.31	8,718.17	2,806.76
Boonville, Mo		469	12,602.46	2,759.13	1,194.95
Ironton, Mo		489	9,485.66	2,620.40	1,209.69
Springfield, Mo	2	817	15,356.28	4,912.67	1,794.90
Bozeman, Mont	2	1,749	48,625.20	8,591.62	3,000.00
Great Falls, Mont	2	2,177	112,583.74	9,060.15	3,000.00
Helena, Mont	2	1,406	64,013.31	8,446.86	3,000.00
Kalispell, Mont	1	801	41,765.92	7,416.95	2,935.75
Lewistown, Mont	1	1,141	73,797.98	7,933.37	3,000.00
Miles City, Mont	1	1,703	20,551.70	7,342.43	3,000.00
Missoula, Mont	1	1,126	38,577.97	8,624.18	3,000.00
Alliance, Mont	1	3,751	53,682.75	9,146.39	3,000.00
Broken Bow, Nebr	1	1,886	27,437.21	7,775.94	3,000.00
Lincoln, Nebr		280	6,282.18	2,416.23	1,105.04
McCook, Nebr		538	9,390.07	3,013.78	1,357.89
North Platte, Nebr	1	1,302	22,808.81	7,715.34	3,000.00
O'Neill, Nebr	1	1,883	37,795.40	8,169.10	3,000.00
Sidney, Nebr		666	10,043.55	4,992.34	2,053.23
Valentine, Nebr	1	3,112	45,622.82	8,572.22	3,000.00
Carson City, Nev	1	854	14,072.74	3,923.48	1,952.52
Clayton, N. Mex	1	1,707	19,503.72	7,544.71	3,000.00
Las Cruces, N. Mex		490	13,843.51	3,723.30	1,702.69
Roswell, N. Mex	1	1,866	71,337.89	7,807.15	3,000.00
Santa Fe, N. Mex	2	1,079	51,057.63	8,361.13	3,000.00
Bismarck, N. Dak	5	3,764	136,958.50	11,774.37	3,000.00
Devils Lake, N. Dak	4	4,058	182,708.37	10,963.29	3,000.00
Dickinson, N. Dak	2	2,244	29,892.48	10,102.03	2,933.00
Fargo, N. Dak		631	20,377.97	6,184.11	2,671.80
Grand Forks, N. Dak		431	14,765.19	3,336.88	1,450.50
Minot, N. Dak	8	8,770	481,433.81	14,351.26	3,000.00
Alva, Okla	1	1,061	22,395.34	7,083.07	2,978.08
El Reno, Okla	2	1,225	91,117.64	10,678.52	3,000.00
Guthrie, Okla	2	837	13,028.57	8,460.25	3,000.00
Kingfisher, Okla	2	2,139	39,848.65	8,961.72	3,000.00
Lawton, Okla	2	1,101	169,178.71	10,250.95	3,000.00
Mangum, Okla	2	2,128	66,069.15	8,675.48	3,000.00
Woodward, Okla	5	4,350	123,573.97	13,069.40	2,658.50
Burns, Oreg		591	26,833.06	4,583.30	1,974.63
La Grande, Oreg	3	1,970	150,756.48	10,159.85	3,000.00
Lakeview, Oreg	1	868	112,404.75	8,204.00	3,000.00
Oregon City, Oreg	2	809	84,419.79	8,558.57	3,000.00
Roseburg, Oreg	3	1,041	131,653.89	8,436.03	2,234.00
The Dalles, Oreg	4	2,715	158,391.05	10,682.47	3,000.00
Aberdeen, S. Dak	1	744	31,225.58	6,035.83	2,324.30
Chamberlain, S. Dak	3	5,062	90,749.30	10,298.45	3,000.00
Huron, S. Dak		554	29,312.14	5,134.52	1,915.58
Mitchell, S. Dak		437	13,110.77	3,435.98	1,424.73
Pierre, S. Dak	2	1,294	26,926.14	8,873.77	2,842.52
Rapid City, S. Dak	2	1,418	48,560.27	9,275.98	3,000.00
Watertown, S. Dak		479	11,686.07	5,537.42	2,203.47
Salt Lake, Utah	2	1,661	86,056.58	10,624.24	3,000.00
Vernal, Utah	1				
North Yakima, Wash	1	635	27,457.78	7,452.19	3,000.00
Olympia, Wash		305	34,344.32	5,686.29	2,072.83
Seattle, Wash	2	781	88,979.04	9,275.73	3,000.00
Spokane, Wash	2	1,429	68,847.58	9,634.80	3,000.00
Vancouver, Wash	2	1,403	109,976.74	8,999.00	3,000.00
Walla Walla, Wash	2	1,632	84,676.61	7,845.71	3,000.00
Waterville, Wash	2	2,069	$9,761.87	$8,783.88	$3,000.00
Ashland, Wis		444	14,534.89	4,194.06	1,324.10
Eau Claire, Wis		560	8,444.18	4,294.39	1,574.35
Wausau, Wis		535	10,306.16	3,587.80	1,498.37
Buffalo, Wyo	1	932	58,360.97	7,687.68	3,000.00
Cheyenne, Wyo	2	933	43,601.38	8,578.30	3,000.00
Douglas, Wyo		538	26,760.15	5,681.44	2,071.84
Evanston, Wyo		508	46,861.11	5,871.07	2,303.14
Lander, Wyo		543	25,270.41	3,960.00	1,815.76
Sundance, Wyo	1	1,018	26,889.03	7,379.36	2,888.59
117 offices	154	149,284	6,136,376.76	815,486.15	285,835.22

Of the foregoing offices, the following have recently been abolished: Huntsville, Ala.; Prescott, Ariz.; Marysville, Cal.; Akron, Colo.; Wakeeney, Kans.; Booneville and Ironton, Mo.; McCook, Nebr., and Ashland and Eau Claire, Wis.

II. The existence of the dual responsibility is the occasion of frequent and chronic disagreement between the register and receiver, to the consequent prejudice of the local office, its conduct, and all who are affected thereby. Each charges the other with responsibility for any neglect or misfeasance which may be found to exist therein.

This friction develops at times into a recrimination and antagonism which precludes that prompt and cordial cooperation necessary to an effective administration of the joint duties of the dual office, and has been the cause of much complaint from the public affected, and the expenditure of much time and labor by this office and its inspectors in the effort to compose such differences and harmonize the officers at issue, so as to restore them as a working unit to the condition of normal efficiency. It is obvious that a sole responsibility for the conduct of the local office would necessarily tend to a stimulation in the discharge of duty, consequent upon the certain knowledge on the part of the officer responsible that there could be no successful attempt on his part to evade the consequences of neglect or misfeasance by attributing it, as is now frequently done, to his joint associate. The entire clerical force of the office would be under one control and one influence. Exactness of method, certitude of information given out, uniformity of conduct, harmony of decision, and indisputable responsibility for error or misfeasance would take the place of the opposite conditions which are too often prevalent in the local offices.

III. The convenience of frequent access to and inspection of the local offices is now such as to enable this office to keep itself at all times reasonably informed of the method and efficiency of their conduct, as it could not do in former times, owing to the lack of railroads and telegraphic communication between this office and many of its subordinate officials and the absence of the thorough and efficient system of frequent inspection now in force.

The absence of the present system and facilities for communication and inspection may have been one reason which suggested, in the creation of the land offices, the desirability of having two officers who would operate as a check each upon the other. That necessity, for the reasons just stated, no longer exists.

IV. We are now brought to the consideration of the receiver's function as a joint officer.

As hereinbefore pointed out, he is required to act with the register in the performance of every judicial or quasi-judicial function, and the death, removal, or disqualification of either the register or receiver disqualifies the other, and results in practically closing the office, a condition which often occurs.

Such a condition results in great inconvenience and injury to the public and to all those who have or desire to transact business at the local offices, and creates a congestion of business often difficult to work off. All such results as now ensue from the death, removal, resignation, or disqualification of the receiver would be avoided were the register clothed solely with the authority now jointly vested in both officers and suitable provision made for the appointment of a chief clerk to act in the absence of the register.

V. It is believed that the relief from the undesirable conditions hereinbefore pointed out by the abolition of the office of receiver outweighs the problematical benefit ensuing from the exercise of his joint function with the register. It is not clear why he was so jointly vested. Be the reason what it may, now, when the principles which govern the due inception of claims made under the public-land laws are well established, and the local offices are under constant instruction and frequent inspection, and the right of appeal freely given with opportunity for its expeditious exercise and its prompt disposition, with every decision coming under the notice of this office closely scanned for the detection and correction of error therein, it is believed that the desirability for the continuance of the concurrent action by two officers, instead of one, is far less than the necessity for that increased efficiency and economy which may be accomplished by the abolition of the office of receiver.

VI. It is estimated that the abolition of the office of receiver of public moneys will result in a saving to the Government of over $250,000 per annum.

The following table will show the compensation which has been paid to the several receivers of public moneys for each year for the past five years:

Fiscal year ended June 30—	
1901	$292,480.56
1902	300,757.38
1903	296,803.79
1904	295,339.32
1905	285,835.22
Total for the past five years	1,471,216.57

At the present time the following duplicate records are kept in all local land offices, viz: Register of mineral receipts; register of homestead receipts; register of final homestead receipts; register of final receipts, desert lands; register of cash receipts, in which is also kept account of coal-land receipts; homestead contest docket.

The apparent reason for keeping these duplicate sets of records is for the purpose of having one officer a check upon the other. But under the present method of handling business in local land offices there is little danger of defalcation or misappropriation of funds, as

the General Land Office keeps a record of all disposals of public land and requires the local offices to properly and promptly account for the moneys they should receive therefor. Therefore, if the office of receiver were abolished the practice of keeping duplicate sets of books would be discontinued and a great saving made in clerical labor in the local land offices, which, it is believed, would offset the loss of the services of the various receivers. There would also be a consequent saving of the cost of furnishing all such duplicate books or records.

After careful consideration of the matter, it is my opinion that should the office of receiver be abolished, with the consequent keeping of the aforementioned records and general simplifying of the work, there would be no necessity for an increase in the clerical force in the various offices where clerks are now employed. It would undoubtedly be necessary to place a clerk in each of the twenty-five offices where none are now employed, and this would require an increase of $25,000 in the appropriation for contingent expenses of land offices.

Based upon the foregoing, and for the reasons therein stated, I am of opinion that there is no necessity for the continuance of the office of receiver of public moneys for United States land offices, and that it would be in the interest of both economy and good administration to abolish the office and vest the duties of receiver in the register, the act to go into effect July 1, 1906.

Mr. LACEY. Mr. Chairman, I want to say very briefly that there is absolutely no necessity for the continuation of the office of receiver of the land office. The work is duplicated by the register and the receiver. All of their work is substantially duplicated. When they sit together as judges in hearing a land case, if they disagree, there is no decision, and it must be certified by the Land Office, and if they agree, it does not strengthen the proposition. So that in any event these offices now are supernumerary. The reasons that existed in 1800, when the law was passed, have long since passed away. If it is a desirable office, it carries a salary of $3,000 a year, with very little, if anything, to do, and there is nothing so sacred as an abuse; there is nothing so persistent as a sinecure, and these offices have persisted all these years, until now the Department itself has come to Congress and asked to be relieved from the appointment of any more of them, and that one man should be permitted to perform the duties which practically he has to do anyhow, and the Government should be relieved from the additional expense.

Mr. HOGG. Will the gentleman from Iowa permit a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Colorado?

Mr. LACEY. Certainly.

Mr. HOGG. If your amendment prevails, what will be the effect on the local land office—what officer is authorized to receive the money?

Mr. LACEY. If this amendment prevails, some different arrangement will have to be made. That is one way of getting a remedy when an abuse occurs. When an abuse occurs and we can not get it in any other way, we should strike out the appropriation. Congress will then be compelled to act, and that is one of the remedies that Congress always has in its hands. Let me illustrate. Suppose this involved the prerogatives of the Senate, the appointment of all these receivers, 103, by and with the advice and consent of the Senate, and they did not desire to relinquish that prerogative; the House can cut off supplies and compel action in this way. That is the object of this amendment.

Mr. WILLIAMS. Does the gentleman really suppose the House would ever have the courage to do it?

Mr. GAINES of Tennessee. Under the law as it now stands, or, rather, is not this the law, that the Secretary of the Interior has the power to make the necessary rules and regulations to carry out the laws which Congress ordains, and can not he make proper regulations if we strike out this appropriation?

Mr. LACEY. I do not think so.

Mr. GAINES of Tennessee. I think he can.

Mr. LACEY. I think if we strike out this appropriation we will have exercised the high function of the House of Representatives to do away with offices by refusing the salaries, and thus requiring some further legislation in order that public business may proceed.

Mr. MARTIN. Mr. Chairman, I would like to ask the gentleman from Iowa if it is not true that the mere effect of striking out this appropriation will in no way relieve the liability of the Government to pay the receivers? Their duties are prescribed by law. They are appointive officers. They will perform their duties, and their salaries continue and the Government will be liable.

Mr. WILLIAMS. Where is there any authority to pay them unless Congress makes an appropriation?

Mr. POWERS. They will go to the Court of Claims and get it.

Mr. LACEY. This method is an heroic remedy, and one that has been very seldom applied. It is a remedy that was used against the Crown in the old country and used with effect. It is a remedy that can be used here, and, while it has not been used for many years, here is a good place to put it in operation in this House to-day by cutting off the supplies of these supernumerary and unnecessary officers.

Mr. MARTIN. I do not understand that the gentleman from Iowa answered the question. My question is, Would not the liability of the Government to these receivers continue the same after we failed to make this appropriation as before?

Mr. LACEY. That goes without saying. I think they could go into the Court of Claims. But they would have to ask an appropriation later on, however. They would in the end be compelled to submit to the action of Congress.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MONDELL. Mr. Chairman, the gentleman proposes by this indirect method to do away with an office established over one hundred and ten years ago. The receivers of United States land offices have been a part of the public land administration since the foundation of the Government, and for the last eighty-five years they have been important judicial officers of the Government. In my opinion no officers of the Government have rendered more helpful or important service than the receivers of the land offices of the country. It is not true that they are supernumeraries. It is not true that the existence of the dual system of register and receiver creates an unnecessary duplication of work to any considerable extent, and so far as it does it is due to departmental regulations which can be amended. These two officials sit as judge, jury, and State's attorney in all land cases. They have to pass upon the rights of contestants appearing before them in cases involving land and mineral values oftentimes running into the millions. They, as the agents of the Government, must settle important and diversified questions of law, fact, and equity as between the Government and settlers and entrymen in the case of practically every tract of public land disposed of in these United States. The system has in the main worked well. There has been little complaint of it in a hundred years until within the past year. Those who have had to do with local land offices, who understand the working of the dual system, believe that to abolish the office of receiver would not only not be in the interest of the Government, but would work great hardship and injustice to the settler and entryman. These officers receive compensation ranging from $750 to $3,000. They receive salaries of $500, the balance of their emoluments being commissions on the sales of land and fees. I do not intend to take up the time of the committee in the discussion of the many and important duties performed by these officers, of the check and safeguard to the interest of the settler and the Government alike which the office insures, but I want to discuss briefly the question from the standpoint of economy.

The gentleman from Iowa has stated that the abolition of this office would result in a saving to the Treasury of the United States of something like $250,000. Mr. Chairman, I think it can be proven without any difficulty whatever that there would be no saving to the Treasury in the abolition of the office of receiver, but that on the contrary, there will be an additional charge laid on the Treasury by the abolition of this office. As I stated a moment ago, the salaries of registers and receivers are $500 per annum. There are in the United States 117 local land offices with a register and receiver, whose joint salaries amount to a thousand dollars.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. So that the charge upon the Treasury in this item is $117,000. That sum comes directly out of the Treasury of the United States. The further emoluments of registers and receivers come from fees and commissions. By the terms of the national reclamation act all land fees and commissions over and above those paid registers and receivers flow into the national reclamation fund, so that if you saved by this proposed legislation you would not save to the Treasury of the United States, but to the national reclamation fund.

Mr. PAYNE. Well, who owns the national reclamation fund?

Mr. MONDELL. I think that the United States owns it, but the arid-land States get the benefit of it.

Mr. PAYNE. The money that comes out of that comes out of the United States, does it not?

Mr. MONDELL. Well, not exactly; it comes from the sale of lands and fees and commissions. I come from the part of the country that is benefited by the national reclamation fund. I should be delighted to aid any legislation that would swell

that fund if it could be aided without harm both to the Government and to intending settlers, but it can not be done in this way without working great hardship on settlers and causing a great loss to the Government.

Mr. BONYNGE. Will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. BONYNGE. Has there been a bill pending before the Committee on Public Lands for the abolition of the office of receivers during this session?

Mr. MONDELL. Oh, yes; this question has been thrashed over——

Mr. BONYNGE. Has the committee made a report?

Mr. MONDELL (continuing). By the committee having jurisdiction of the subject at great length, with the result that that committee almost unanimously refused to abolish these offices. This is thrashing over old straw.

Mr. GAINES of Tennessee. What committee refused; did the Public Lands Committee refuse unanimously?

Mr. MONDELL. I said almost.

Mr. GAINES of Tennessee. The gentleman is mistaken about that, and we are trying to reconsider it now, and I hope will do so.

Mr. MONDELL. Yes; trying to reconsider it, but we have not reconsidered it. The decision was almost unanimous, and the decision of this House would be equally unanimous if the question was fully understood and discussed. In the first place, there would be no saving to the Treasury. If there was any, the saving would be to the national reclamation fund, but, Mr. Chairman, there would be no saving either to the Treasury or to the reclamation fund. The gentlemen are unfortunate in their mathematics. They assume that to abolish the office of receiver means saving of all the fees and commissions now going to the receivers, when, as a matter of fact, under the operation of the law, the moment you abolish the office of receiver in an office below the maximum the fees and commissions up to the maximum go to the remaining officer, and that on the basis of last year's business reduces this alleged saving something like $125,000. In addition to that, Mr. Chairman, there would be an additional charge upon the Treasury directly, according to the statement of the Commissioner of the General Land Office, by the appointment of twenty-five civil-service clerks at a thousand dollars a year, he says—probably at fifteen hundred dollars—and in addition to that those who are acquainted with the operations of the land laws and the work in local land offices fully appreciate the fact that within a year of the abolition of the office of receiver there would probably be an additional civil-service clerk in every land office in the United States, and these clerks in the aggregate would cost more than the receivers now cost.

There are in the United States at this time 117 land offices. As registers and receivers receive $500 each in salary, the total amount of this appropriation which is a charge upon the Treasury is the amount of the salaries of these officers, or $1,000 for each land office, or $117,000 of the $500,000 appropriated. The remainder of the appropriation, as I have stated, is simply a limitation upon the total amount which registers and receivers may be allowed to retain of the fees and commissions collected by them during the fiscal year, to which they are entitled by law. Any of this portion of the appropriation if saved, would not flow into the Treasury, but go to the reclamation fund, for then it would become part of those surplus fees and commissions in excess of allowances to registers and receivers which flow into the reclamation fund.

In view of this condition of affairs, let us discuss for a moment the question as to the actual saving to the Treasury of the United States by the abolition of this office. As I have before stated, the actual outlay by the Treasury for the payment of registers and receivers is approximately $117,000. If the office of receiver were abolished, however, half of this amount or $58,500 would be saved to the Treasury, provided there were no other charges made upon the Treasury by reason of the abolition of the office; but the Commissioner of the General Land Office, in his statement relative to the abolition of the office, says that it would undoubtedly be necessary to appoint a thousand-dollar civil-service clerk in each one of the twenty-five offices, where no clerk is now employed, to perform the duties now performed by the receiver. This would reduce the saving of $58,500 to $33,500 provided that was the only added expense, but I am of the opinion that practically everyone who has had experience with governmental methods and who is informed in regard to the amount of work in local land offices will agree, first, that instead of the Department clerks for $1,000 apiece to take the places of the receivers, such clerks would ultimately receive at least $1,500, and that in addition thereto every land office would have an additional clerk if the services of the receiver were dispensed with, and admitting for the sake of argument that these additional clerks received only $1,000 apiece, this would entail an expense for salary of $117,000, where we now pay salaries amounting to $58,500. So that instead of the Treasury saving $58,500, there would be an additional charge upon the Treasury of $58,500 by the change proposed.

It is true that the reclamation fund would gain all that the Treasury lost and more, as all fees and commissions now going to receivers which would not by operation of law go to the register were the former office abolished would go into the reclamation fund. Now, those of us who come from the arid regions, where the reclamation law operates, would be very glad, indeed, to secure this additional sum for the reclamation fund and have the cost of the maintenance of the land offices saddled upon the Treasury, which this proposition would do, but we have too keen an appreciation of the value both to the Government and the settler of the services of receivers to be willing to dispense with them, even to the pecuniary advantage of the reclamation fund.

But the gentleman from New York [Mr. PAYNE] reminds me, rather chidingly, that the reclamation fund belongs to the people of the United States, though we are now using it in the West, and so I will discuss the matter from the standpoint of economy, as though whatever saving there might be would in the end amount to the same thing whether saved to the fund or the Treasury direct.

The Commissioner of the General Land Office, in his report for 1905, recommends that the office of receiver of public moneys for United States land offices be abolished, and he states that a quarter of a million of dollars would annually be saved to the Government thereby. The Commissioner bases his estimate of alleged saving on the fact that the total compensation of the 117 receivers last year was $285,000, and if these offices could be abolished without incurring any additional expenditures the saving would, of course, be the amount of the salary now paid. The Commissioner gives it as his opinion that the only additional assistance that would be required by the abolishment of the office of receiver would be one clerk at $1,000 a year in each of the twenty-five land offices, where no clerks are now employed. This would entail an expense of $25,000, and, subtracting that from $275,000, the estimated amount which would be paid to receivers the coming year under the law as it now stands, the Commissioner arrives at his estimate of $250,000 as the amount that would be saved by the abolition of this office.

It is my opinion that the question of cost of maintaining the office of receiver of public moneys is by no means the most important matter for consideration in this connection, for the receivers do perform very important and valuable services to the Government and entrymen; but looking at the matter from the standpoint of economy alone I am unable to agree with the Commissioner's estimate of the saving that would result if the office were abolished.

The fact is that the saving could by no possibility amount to the full sum of the compensation of the receiver, even if no additional clerks were required. The amount saved in salaries in all cases where the compensation of each officer is less than $1,750 is only $500, if no additional clerk is required. The reason for this is plain. The register and receiver receive, first, a salary of $500 each, and above this commissions shared jointly until the maximum compensation of $3,000 each is reached. The proposed amendment abolishing the office of receiver provides that the register shall receive fees in like amounts with the fees now paid to both register and receiver up to the maximum compensation, so that the register would, if the office of receiver were abolished, receive the fees now going to both up to the maximum allowance of $2,500 in fees and $500 in salary. case wherever the total compensation of receivers is less than $2,500 they would all go to the register, and this would be the case wherever the total compensation of receivers is less than $1,750, or $500 salary and $1,250 fees.

The report of the Commissioner shows that there were twenty-one offices where the compensation of the receiver was less than $1,750 last year. The saving in these offices by doing away with the receivers would be twenty-one times $500, or $10,500 if no additional clerks were employed. As the Commissioner, however, contemplates the appointment of a $1,000 clerk at each of these offices, there would be, as a matter of fact, an added expenditure of $10,500 in these twenty-one offices instead of a gain of that amount. The Commissioner, however, evidently estimates a saving in these offices of the total amount of present compensation of the receivers, and this in the twenty-one offices above referred to amounted last year to $26,367.71. If from this estimated saving we subtracted $10,500, the actual saving in this item (doubly offset, however, by the

salary of extra clerks), we have here the sum of $15,867.71 to be subtracted from the Commissioner's estimate of saving.

Nor is this all by any means, for the saving in the offices where the receiver receives between $1,750 and $3,000 would be by no means the full amount of the compensation of the receivers, not to mention the sums necessary for additional clerks. In offices of this class the saving, if no additional clerks were required, would be the difference between the amount of total joint compensation of both registers and receivers and the sum of $3,000, the maximum salary; for wherever the register and receiver are receiving less than the maximum the abolition of one officer would give the other officer the maximum compensation.

There are thirty-nine offices where the compensation of each officer was above $1,750 and below the maximum last year. The total compensation of receivers in these thirty-nine offices last year was $90,637.61, and this is evidently the amount the Commissioner estimates is to be saved. As a matter of fact, however, if no additional clerk were required after the receiver was dismissed, the saving would only be the sum of the amounts which the combined compensation in each office exceeded $3,000. I find the combined compensation of registers and receivers in these thirty-nine offices last year was $181,347.22. If the bill recommended by the Commissioner abolishing the office of receiver passed, the registers in all of these offices would receive the maximum compensation of $3,000 each, or $117,000 in all. The saving, if no additional clerks were required, would therefore be $181,347.22 less $117,000, or $64,347.22, and not $90,637.61, the compensation of receivers.

From the above it will be seen that we must again revise the Commissioner's figures by further reducing the estimated amount of saving by the difference between the amount of saving he estimates in the class of cases above cited (the amount of compensation of receivers), $90,637.61, and the actual amount under the terms of his proposed bill, $64,347.22, the difference being $26,290.39. Add this excess to the excess in the first class of cases and we have the sum of $42,159.10 to deduct from the Commissioner's estimate of saving, leaving it $207,840.90.

But this is not all by any means. The Commissioner estimates that clerks will be required in all offices where there are none now, and I have pointed out to you that to furnish these clerks at even $1,000 a year will entail an extra expense of over $10,000 above the present cost of running these offices.

If clerks are needed, in the opinion of the Commissioner, in the offices where the compensation is now small and therefore the business light, how much more will they be needed if the offices where the receiver now gets from $1,750 to $3,000 per annum? Is it not a rather violent assumption that fifty-four officers that now receive $3,000 each, that pass daily on many important questions and handle vast sums of money, can be dispensed with and no provision whatever made for anyone to take their places and perform their duties? My opinion is that there would have to be and would be within a year a chief clerk in every one of these land offices, and that in all the larger offices this clerk would receive $1,500 per year.

Remember, these clerks would, under the terms of the pending bill, be bonded officers of the Government, clothed with judicial powers in cases which often involve property worth tens of thousands of dollars and in the aggregate many millions; in many cases practically all of the property of a citizen. Many clerks in land offices now receive $1,200 a year, and as these clerks would be the chief clerks and clothed with judicial authority, they would undoubtedly receive at least $1,500 each.

There are 117 land offices. The Commissioner has estimated that 25 of the smallest and least important of these offices would require $1,000 clerks. Surely the remaining 92 will require $1,500 chief clerks, if we dispense with receivers now receiving from $1,750 to $3,000. This would involve a further expense of $138,000 per annum, still further reducing the Commissioner's estimate by this amount and leaving the net saving not $250,000, but possibly $69,840.90, probably less.

But the question as to the possible saving by the abolishment of the office of receiver is comparatively unimportant when considered in connection with the importance of the policy involved. The proposition is simply one of dispensing with the services of 117 officials, appointed by the President from among the body of the people, of men who are conversant with conditions in the public-land States, and who have had in the majority of cases considerable experience with the workings of the public-land laws, and are qualified to weigh intelligently in proofs and contests the evidence presented from the standpoint of the law, as well as of equity and good faith, which must so largely control in the settlement of public-land questions, and to substitute for them civil-service clerks, possibly at a somewhat lessened cost, who, by reason of the character of their preparation and training, can not possibly have the knowledge or experience necessary to qualify them to pass justly and equitably on questions arising between claimants or between a claimant and the Government.

It is not only a movement in the direction of further centralization, but in the direction of still further minimizing the opportunity of the settler to secure a fair statement of the basis of his claims in the first instance, thereby increasing the necessity for expensive appeal.

The assumption that the work now performed by every receiver receiving above $1,750 a year can be performed by the register and the clerks without additional help is not, in my opinion, justified by the facts. If, as a matter of fact, there are receivers who are not performing valuable services who hold their places as the sinecure which the Commissioner seems to consider them, it is, it occurs to me, the duty of the Interior Department to demand of such officers that they resign and make way for those who will perform faithfully and diligently the duties incumbent upon them, rather than make the possible shortcomings of a few the basis of a virtual indictment of all of these officers.

That receivers of the land office generally are rendering most efficient, valuable, and faithful service, both to the Government and the settler, which can not possibly be equally well performed either in the interests of the Government or the settler, and particularly the latter, by the average civil-service clerk, no matter what salary he received, I am in a position to testify from personal knowledge.

I am of the opinion that it might be in the interest of good service to provide that wherever the compensation of a receiver falls below $1,500 per annum for two consecutive years, the office shall be abolished, and the duties performed by the register. This would not be a measure of economy, but would insure offices where the business is light having one officer who received enough to pay a good man to give all his time and attention to it.

Mr. GAINES of Tennessee. Mr. Chairman, I want to call the attention of the committee to a few facts about this matter which came, in part at least, to the attention of the members of the Committee on Public Lands. The gentleman from Wyoming [Mr. MONDELL]—who, by the way, has receivers in his State drawing $14,479 as salaries, according to the official figures furnished by the Land Office, which I have in my hand—is opposed to this. Now, gentlemen, the Land Office has repeatedly recommended the abolition of these offices; and one of the reasons, gentlemen, why they are perpetually recommending this is because the duties of the receiver and the duties of the register are practically identical, and this report in substance says so. The report of the Land Office complains that, the duties of the two men being the same, they are constantly clashing, reversing each other's orders and opinions, to the public detriment. The office is an old one—established in 1800—and the reasons for it have disappeared, and the Department says that it is unnecessary now, besides being a great expense to the public, to the amount of $285,835.32 per year.

Mr. RUCKER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. GAINES of Tennessee. I do.

Mr. RUCKER. I understood the gentleman to say a moment ago the Commissioner was perpetually recommending the abolition of these offices.

Mr. GAINES of Tennessee. I so understand.

Mr. RUCKER. Are you advised about it?

Mr. GAINES of Tennessee. I think I am.

Mr. RUCKER. I understand to the contrary.

Mr. GAINES of Tennessee. I will ask the gentleman from Iowa [Mr. LACEY] if the Department has not recommended repeatedly the abolition of these offices?

Mr. LACEY. I would say the word "repeatedly" would not perhaps apply.

Mr. GAINES of Tennessee. Well, all right. It has been recommended in his last report, from which I shall read:

Mr. TAWNEY. If the gentleman from Tennessee will turn to page 416 of the hearings before the Committee on Appropriations, he will there find the testimony of the Commissioner of the Land Office in favor of the abolition of these offices.

Mr. GAINES of Tennessee. Of course, and here is his recent report I have in my hand. Here, gentlemen, are the very words and many reasons of the Department for abolishing this office. I read one—

That the necessity, for the reasons just stated, no longer exists.

The reasons for having the receiver no longer exist.

Listen to this:

It is now firmly established that the office is one, while its body is dual. A vacancy in either office disqualifies the remaining incumbent for the performance of the duties of his own office.

It is believed that existing conditions are such as to warrant and suggest the abolition of the office of the receiver, and the vesting in the register of the functions now performed by the receiver, for the following reasons:

I. The volume of work now transacted and receipts of money at many, if not all, of the local offices is not such as to require the services of both officers.

II. The existence of the dual responsibility is the occasion of frequent and chronic disagreement between the register and receiver, to the consequent prejudice of the local office, its conduct, and all who are affected thereby. Each charges the other with responsibility for any neglect or misfeasance which may be found to exist therein.

III. The convenience of frequent access to and inspection of the local offices is now such as to enable this office to keep itself at all times reasonably informed of the method and efficiency of their conduct, as it could not do in former times, owing to the lack of railroads and telegraphic communication between this office and many of its subordinate officials and the absence of the thorough and efficient system of frequent inspection now in force.

And so on.

Now, then, in another part of this report you will find that the Department states what the law is, Mr. Chairman, and charges a duplication of work by the receiver and register, their duties being practically the same.

By the act of May 24, 1824, the register and the receiver, or either of them, might administer an oath.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. GAINES of Tennessee. Just a moment, for a question.

Mr. MONDELL. Does the gentleman consider having a jury of twelve men to pass upon important questions a duplication of work?

Mr. GAINES of Tennessee. Mr. Chairman, I am for a jury of twelve men every time I can get it, but two men are not twelve. The parties can finally appeal to a jury of the country in these cases. If not, they should have the right. There is no jury before a register or a receiver.

Mr. MONDELL. They are the jury and the judge.

Mr. GAINES of Tennessee. The report says:

By the act of May 29, 1830, proof of settlement and improvement should be made to the satisfaction of the register and receiver.

It must be to the satisfaction of both of the officers. Now, the officials here say that that is not necessary; that these two officers are constantly clashing, and the Commissioner wants one man responsible for the work and to pay one salary for what two men are certainly doing.

Mr. MONDELL rose.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wyoming?

Mr. GAINES of Tennessee. I decline to yield. The report further says:

By the act of June 1, 1840, a preemptor was required to make satisfactory proof of his or her residence before the register and receiver.

They have to make their proof before both of these officers. The Department says that is not necessary and causes a clash of authority.

Mr. MONDELL. Will the gentleman yield?

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman has had ten minutes. I do not want to take up the time of the House further than to explain the law and answer the gentleman's speech. This report says:

At the present time the following duplicate records are kept in all local land offices, viz: Register of mineral receipts; register of homestead receipts; register of final homestead receipts; register of final receipts, desert lands; register of cash receipts, in which is also kept account of coal-land receipts; homestead contest docket.

The apparent reason for keeping these duplicate sets of records is for the purpose of having one officer a check upon the other. But disqualifies the other, and results in practically closing the office, a condition which often occurs.

I am showing you, gentlemen of the House, where there is an actual duplication in the law of the work of these two officers, where there is an actual duplication, in fact, which causes a clash of authority.

Mr. MONDELL. Now will the gentleman yield?

Mr. GAINES of Tennessee. I decline to yield, Mr. Chairman; I want to hurry through. The gentleman knows I do not want to be discourteous. The report further says:

By the act of September 4, 1841, questions as to the right of preemption arising between different settlers were to be settled by the register and receiver, subject to appeal and revision of the Secretary of the Treasury, which appellate jurisdiction was transferred to the Land Office by section 10 of the act of June 12, 1858.

This report says the office is one, but dual.

Now, then, gentlemen, the Department, as I have tried to say, though interruptedly and disconnectedly, wants to do away with having two men performing the same work, passing on the same case, clashing in authority, reversing each other, and doing duplicate work, all of which the register can do. They both receive large salaries. As I have stated, there were $14,000 paid in the State of Wyoming alone for the receiver, and yet the receiver gets his compensation for doing practically the same work, work which the Department says the register can do. Now, let us get to the amount of money that has been paid to these receivers, as set out in this recent report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, the following table will show. It is admitted that the abolition of the office of register and receiver of public money will result in the saving to the Government of over $250,000 per annum. The following table will show the compensation which has been paid to the several registers of public money in the years named:

Fiscal year ended June 30—	
1901	$292,480.56
1902	300,757.38
1903	296,803.79
1904	295,339.32
1905	285,835.22
Total for the past five years	1,471,216.57

Now, gentlemen, we have been unable to get this matter before the House on its merits. I voted in committee to bring this measure before the House, and I am ready now to strike down this unnecessary duplication of officers, this cause for unnecessary clash of the authority of public officers, and save this money to the Treasury of the Government, and for the betterment of other people in other matters more important than are two officers to do the same work, one of whom is entirely unnecessary.

Mr. RUCKER. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, I just want to say a word, and then move to close debate.

Mr. RUCKER. I have been recognized. I only want a minute.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. TAWNEY. If the gentleman only wants a minute I will yield to him after a while.

This matter was considered by the committee very thoroughly. The Commissioner of the General Land Office appeared before the committee and went into the history of the creation of this office, defined the duties, and gave us a detailed statement of the number of officers, clerks, and compensation that they were receiving. The committee is of the opinion that this work can be done as effectively, if not more efficiently, than it is now done under these two officials, and to abolish the office of the receiver will save to the Government $250,000 a year. A point of order would have been made if this had been carried in the bill, and for that reason the committee did not report a provision abolishing these offices.

Now, Mr. Chairman, the amendment offered by the gentleman from Iowa accomplishes nothing, if adopted, even if the Senate should agree to it. The receivers will continue to perform their duties as they are now performing them, because it is a statutory office, and not created by a regulation of the Secretary of the Interior. The two offices are interdependent, their jurisdiction is coequal, so that they must necessarily under the law continue to serve as they are now serving.

In case the appropriation is not provided now for their salaries in the next session of Congress we will be compelled to report on the deficiency bill the amount necessary to cover their salaries, or the receivers could go to the Court of Claims and obtain judgment for their salaries. If the gentleman from Iowa has an idea that this legislation can be inserted in the Senate, it could be done just as easily with this provision in as with it out. Therefore I do not think anything can be gained by the adoption of the amendment. I now move to close debate in two minutes, and ask that those two minutes be given to the gentleman from Missouri.

Mr. FORDNEY. I should like to have a few minutes.

Mr. TAWNEY. I will make it five minutes, to be divided equally between the gentleman from Michigan and the gentleman from Missouri.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this paragraph and amendments thereto be closed in five minutes, the time being equally divided between the gentleman from Missouri [Mr. RUCKER] and the gentleman from Michigan [Mr. FORDNEY].

The motion was agreed to.

Mr. RUCKER. Mr. Chairman, I will only use about two

minutes, and during that time I want to say I appreciate the fact that this is an important question, one that ought not to be dealt with here under the five-minute rule. It is a subject upon which a great deal may be said on the one side and the other, but looking at these things as they are, I am surprised that gentlemen will permit themselves to be lashed into a fury and that good lawyers, able men, the most studious Members of this House, will reach entirely wrong conclusions as to the merits of the issue involved. I want to say to the gentleman from Tennessee [Mr. GAINES], as I understand him, that he is entirely in error as to the facts which are involved in this controversy. There is no duplication of work so far as receivers and registers are concerned. Mr. Chairman, I think it is unnecessary for this House to act heroically, as suggested by the gentleman from Iowa [Mr. LACEY], in order to protect the Government against the profligate use of money at the other end of the Capitol. I have heard a great deal charged against the other branch of the legislative department of government, but this is the first time a distinguished Member of this House has taken the position that it is necessary for us to pursue this unusual course and strike out this appropriation for these officers in order to protect the country against reckless profligacy. I think this matter should be brought before the House in the usual way and full time allowed for discussion. I yield the balance of my time to the gentleman from Michigan.

Mr. FORDNEY. Mr. Chairman, a bill has been introduced and has been before the committee the entire session which provides for the abolition of all the receivers of all the land offices in the United States. The claim has been set up that if the office of receiver were abolished it would effect a saving to the Government of $250,000 a year; but there has not been one scintilla of evidence presented to the committee showing that it would save one cent to the Government. There is another provision in the bill, providing that clerks may be appointed by the President to fill the offices now occupied by the receivers, such clerks to be selected from the civil-service list. There is nothing to show how many clerks must be appointed to do the work now done by the receivers. There is nothing to show that there would be one single cent saved by the change. The registers and receivers decide all cases where there are contests in land cases, and that has been considered for many years a valuable service, because you are getting the decision of two men instead of one. One is a check upon the other. The receiver handles the money paid into the land office; the register does other work.

I am opposed, Mr. Chairman, to the abolition of the receivers and appointing in their place of clerks, because there is not a land office in the United States to-day that is up to date in the work. I know of land offices in the United States that are two years behind in their work at the present time, due to the men making entries under homestead entries, timber culture, and scrip lands, and every other kind of entry—they are two years behind in their work on account of the lack of sufficient force of clerks in the offices.

If the chairman of the committee could show that one penny can be saved by the abolishing of the receivers, I would give more favorable consideration to the matter; but nothing along those lines has been done. I know of a receiver appointed in a certain land office from Alabama, who held in his hands money paid him by entrymen for two years before sending it to the Government, and not issuing one single receiver's receipt during that whole time, and it was found out that he had this money loaned out at a very high rate of interest for his own benefit. Do you want to appoint clerks from Alabama, under civil-service rules, to do the work in land offices in Alaska or some other distant part of the country? The place from which to choose these officers is the district in which the land offices are located. I am opposed to the proposition, and, gentlemen, there is not a receiver in my district.

The CHAIRMAN. The time of the gentleman has expired. Debate on the pending amendment is exhausted. The question is on the amendment offered by the gentleman from Iowa to strike out.

The question being taken, the motion of Mr. LACEY was rejected.

Mr. TAWNEY. Mr. Chairman, I now call up the provision on page 73, the items under the general head of the Geological Survey.

The CHAIRMAN. The gentleman from Minnesota, chairman of the committee, calls up the items for the United States Geological Survey, on page 73.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, on the subject of registers and receivers.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

For general expenses of the Geological Survey: For the geological survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain, to continue the preparation of a geological map of the United States, gauging streams, and determining the water supply, and for surveying forest reserves, including the pay of necessary clerical and scientific force and other employees in the field and in the office at Washington, D. C., and all other absolutely necessary expenses, including telegrams, furniture, stationery, telephones, and all other necessary articles required in the field to be expended under the direction of the Secretary of the Interior, namely:

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against a portion of the paragraph just read, that portion beginning on line 7, page 75, after the word "domain," including all of lines 8 and 9, on the ground that it changes existing law and that there is no authority in law for the provision.

The CHAIRMAN. The gentleman from Indiana makes a point of order.

Mr. CRUMPACKER. I should like to ask the gentleman from Minnesota, in charge of this bill, if he has a copy of the original law providing for the Geological Survey?

Mr. UNDERWOOD. I should like to ask the gentleman from Indiana to state his point of order again.

Mr. CRUMPACKER. The point of order includes all in line 7, after the word "domain," and lines 8 and 9, the words against which I make the point of order being:

To continue the preparation of a geological map of the United States, gauging streams, and determining the water supply.

The point is that it changes existing law. There is no authority of law for appropriations for any such purposes as those mentioned in the sentence to which the point of order is directed.

Mr. TAWNEY. What did the gentleman from Indiana ask me?

Mr. CRUMPACKER. I wanted to know if the gentleman had the original law providing for the Geological Survey?

Mr. TAWNEY. There is a summary there which gives the titles—1879, I think, is the year to which the gentleman refers.

Mr. CRUMPACKER. Yes; 1879. The original statute authorized the Geological Survey, under the Interior Department, to have the direction of the geological survey and the classification of the public lands, an examination of the geological structure, mineral resources, and products of the national domain; that the Director shall have no personal or private interest, etc.; but the authorization of the work of the Geological Survey originally was confined to public lands, or the national domain.

I think this is one of the best illustrations of the evolution of departmental service, the gradual and insidious expansion of the powers and functions of the divisions and the bureaus in the various Departments of the Government.

Mr. KEIFER. I should like to ask the gentleman whether his attention has been called to the act of August, 1882, with reference to the authority of the Geological Survey to make preparation for a geological map?

Mr. CRUMPACKER. Not directly, but incidentally; and I have before me a precedent made in the Forty-seventh Congress, of which the distinguished gentleman from Ohio [Mr. KEIFER] was Speaker—although he was not in the chair and did not decide the question—a decision on the geological map proposition, rendered by Mr. Kasson, of Iowa, on a point of order made by Mr. Hiscock, of New York, on the identical proposition providing for a geological map of the United States. The point of order was sustained because the authorization was not confined to a geological map of the national domain, the only authority that the Geological Survey had to deal with it under the law calling it into existence. There is no authority in law for the Geological Survey to make a map of the United States or to gauge streams or water courses anywhere, excepting in the national domain, and in the sense of this law the term "national domain" has been construed to mean territory or land which the Federal Government owns or over which it has control.

Mr. DALZELL. Does the gentleman from Indiana contend that the words "national domain" and "public land" mean the same thing?

Mr. CRUMPACKER. For the purpose of this law I think they do.

Mr. DALZELL. I think for the purposes of this law they do not. National domain means that territory over which the nation possesses sovereignty.

Mr. CRUMPACKER. I understand this law has been so interpreted that the Geological Survey prosecutes its work all

over the country; it makes topographical surveys of counties and cities where the General Government has not a single dollar's worth of property or a foot of land; where there isn't a square rod of navigable water; that it prosecutes its work, gauging streams all over the country where there can be no possible Federal interests, without any regard to the question of navigation, but with a view of ascertaining power for private use. There is no law authorizing the Geological Survey to gauge streams or to make maps of the United States.

Mr. SMITH of California. I am not certain that I understand the full scope of the gentleman's proposed amendment. Would that cut out the matter of the gauging of streams entirely in the United States?

Mr. CRUMPACKER. No.

Mr. SMITH of California. It is now carried on in connection with the Reclamation Service.

Mr. CRUMPACKER. Stream gauging in connection with the Reclamation Service is a separate and distinct service.

Mr. SMITH of California. But suppose they are carrying on the gauging of streams where the reclamation project has not yet been put forward?

Mr. SMITH of Iowa. This would not affect it if the stream gauging was within the public domain of the United States.

Mr. SMITH of California. Suppose they wanted to gauge the streams at a point where it crossed private property, but affected the result—that is, the result might affect the reclamation project.

Mr. SMITH of Iowa. If the gauging happened to be on private property, but showed the flow over the public domain, it would be permissible even it was outside the Reclamation Service.

Mr. SMITH of California. If it crossed public lands, you couldn't make any distinction between the stream that flows across the public land or the private land. It might be partly on private land and at last the stream flow onto the public land and still be available for reclamation purposes.

Mr. CRUMPACKER. The point is not involved here on this point of order. The question is whether there is authority of law for the Geological Survey to gauge streams anywhere. There is no authority for it to gauge streams on public domain, because that is not enumerated among the powers and duties of the Bureau in any law bearing upon its powers and duties.

Mr. DAVIDSON. I would like to ask the gentleman from Indiana a question.

Mr. CRUMPACKER. I will yield to the gentleman.

Mr. DAVIDSON. Does the gentleman contend that the Geological Survey Bureau would have no authority to make a geological map of any portion of the United States except of land owned by the Government; and if so, would that map grow less annually as the public land was taken off and occupied by homesteaders?

Mr. CRUMPACKER. I think it would have no authority to make a general map of the United States like the one displayed now before the committee. Congress has authority to confer that power on the Geological Survey, but Congress has never done it.

Mr. DAVIDSON. I understand your point is that the only power Congress has ever given is to make a map of the public domain owned by the Government.

Mr. CRUMPACKER. Congress has not done that, and it was held by former Chairman of the Committee of the Whole House that as incident to the work—the work described in the original law, the law creating this Bureau—that perhaps it might make maps and charts of the work it has done on the public domain. Now I want to cite to the Chair a case directly in point on the map question.

Mr. OLMSTED. Before the gentleman goes on to that I want to say that I notice that in the act of 1879, to which the gentleman has referred, it is provided that this officer—the Director of the Geological Survey—shall have direction of the Geological Survey and classification of "public lands;" also the examination of the geological structure, mineral resources, and production of the "national domain.", Now does not "public lands" mean one thing and "national domain" mean something far more extensive?

Mr. CRUMPACKER. I think not; I think the authors of the law had some regard to the rules of rhetoric, and in using the words "public land" in one place and "national domain" in another, he did it to avoid tautology.

Mr. OLMSTED. Well, but he has used them both again, I will call to the attention of the gentleman, in a further paragraph providing for the expense of the Geological Survey in the classification of "public lands," and then further on for the "examination of the geological structural mineral resources and products of the national domain," seeming to my mind to make the term "national domain" mean something broader than the term "public lands."

Mr. CRUMPACKER. Even if that is all true, there is no authority for the gauging of streams, and there is no authority for the making of United States maps, and that is the particular point to which the question of order is directed.

Mr. OLMSTED. If the United States is part of the national domain, then it would seem to me that there is authority for making a map of it.

Mr. CRUMPACKER. I want to read some law upon that question.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman allow me to offer him a suggestion?

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I yield for a suggestion.

Mr. SMITH of Iowa. Is it not a fact that owing to the law providing for the sale of the public lands, some at $10 an acre, some at $5 an acre, some at $2.50 an acre, some at $1.25 an acre, according to whether the land is mineral, stone, coal, or agricultural land, this provision is with reference to the classification of public lands, and that was better English than it would have been to use the expression "the classification of the public domain?"

Mr. CRUMPACKER. Yes.

Mr. SMITH of Iowa. And that it was because of the use of the word "classification" that the term "public lands" was used in connection therewith, rather than "national domain?"

Mr. DALZELL. The gentleman claims that the meaning of words is to be determined by the sense of rhetoric of the people who use them and not by their plain and evident meaning.

Mr. CRUMPACKER. We always construe language in the connection in which it is used.

Mr. SHERLEY rose.

The CHAIRMAN. Does the gentleman yield?

Mr. CRUMPACKER. I yield for a question.

Mr. SHERLEY. I want to ask the gentleman if he noticed that in the act creating the Geological Survey the act which had authorized the geographical and geological survey of the Rocky Mountain region was done away with and embraced within this, as was the act for the survey of the Territories? If the gentleman's construction is true, you make this act narrower than the acts which created particular bureaus that are embraced within this act, because the Rocky Mountain region that was to be surveyed under the former act included not only land of the public domain in the sense of belonging to the Government, but also land within the States.

Mr. CRUMPACKER. I beg the gentleman's pardon; but what statute does the gentleman say included private lands?

Mr. SHERLEY. If the gentleman will look at the statute which creates the Geological Survey, he will find the words "and the geological and geographical survey of the Territories and the geographical and geological survey of the Rocky Mountain region." Now, the Rocky Mountain region, which has been provided for in the previous act, embraced not only the lands belonging to the Government, but embraces parts of the States.

Mr. CRUMPACKER. Yes.

Mr. SHERLEY. And that is included within the act creating the Geological Survey.

Mr. CRUMPACKER. The probabilities are if it were necessary to interpret that statute in connection with the present point of order it would be so limited as to include only the national domain in the Rocky Mountain region. It is not likely, or I mean to say it would not be proper, to presume that the Geological Survey was authorized, a Federal administrative agency, to do things that were in no sense Federal functions, that in no sense belonged to the Federal Government; and when the law provides a survey of national domain, a classification of public lands, we, of course, must infer from that that it means public lands and national domain under the control of the Federal Government, because it is a Federal agency and not a local or State agency; and the very purpose of the creation of the Geological Survey was for the furnishing of information respecting public lands, with a view of their classification and sale. I believe that is the object of it.

Mr. SHERLEY. I would like to ask the gentleman this: When the authorization of the survey of the Rocky Mountain region was made, which was prior to this act, is it not a fact that at that time the work was done irrespective of whether it was public lands owned by the United States or not? Didn't it embrace the entire Rocky Mountain region?

Mr. CRUMPACKER. I am not able to answer that question, but it does not have any significance in the consideration of this question. The question is, What authority has the statute conferred upon the Geological Survey? That is the sole and only question; not what it has done, not what it had

done before, but what it has authority to do, and when we settle that question we have determined then whether this provision is in order.

I desire to submit this decision which I have been talking about for some minutes. In the Forty-seventh Congress, in July, 1882, when the sundry civil bill was under consideration, Mr. Kasson, of Iowa, was in the chair, and this identical provision, or part of it, was in the bill and was read. It was in the bill in these words:

And to continue the preparation of a geological map of the United States.

Now, compare that with the language in this bill:

To continue the preparation of a geological map of the United States.

The identical language was contained in that bill that is in the present bill, and is involved or included in the portion of the paragraph to which the point of order is made. Mr. Hiscock made the point of order that there was no authority for the Geological Survey to make a geological map of the United States, and it was discussed by him and Mr. Adkins, of Tennessee, and others, and the Chairman in ruling upon the question said:

The Chair will rule upon the point of order. The case to which attention has been called, and on which a rule has been heretofore made, was with reference to the Geodetic Survey and its authority to proceed to the execution of that work for several miles from the coast—

That was another decision cited to the Chair, and which he distinguished—

Now, it is known to every gentleman here that the work of the Coast Survey embraces necessarily a considerable distance from the coast for scientific purposes, and therefore the Chair ruled that to be in order, as it was within the jurisdiction and in accordance with precedents. On this, however, the question presented is an entirely different one. This section of the bill provides for the geological survey and the classification of the public lands, an examination of the geological structure, mineral resources, and products of the national domain, and is limited to that. Under that language the survey can only be prosecuted upon the national domain. But the proposition of the gentleman from Tennessee here is to continue the preparation of a geological map of the United States. Now, if the words "public domain" were added, the Chair would regard it as following the precedents and within the line of the work which they have been doing by maps and diagrams. But the Chair is of opinion that to continue the preparation of a geological map of the United States would largely increase the functions of this survey and extend it beyond what is contemplated within the boundaries of the State and not warranted by law. The Chair therefore sustains the point of order.

Now, it is not claimed, Mr. Chairman, that there is any authority of law anywhere for the Geological Survey to gauge streams, to determine a water supply, outside, perhaps, of the Reclamation Service, and this provision authorizes the Geological Survey to make a geological map of the United States, gauge streams, and determine the water supply throughout the entire United States. That is the interpretation and that is the practice, because the hearings show that the Geological Survey is engaged in the business of gauging streams all over the country in the old States, in the New England States, the Southern States, the Middle States, and Western States. It does gauge streams everywhere, except, I believe, upon the national domain, the only place it might have any possible show of authority to do that work.

Mr. DAVIDSON. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. DAVIDSON. What would the gentleman say to the proposition that under the head of mineral resources and products of the national domain the Geological Survey would have authority to determine whether there were underground currents of water flowing in different sections, and of the products of the national domain as to whether the water power of the flowing streams on the domain were——

Mr. CRUMPACKER. Oh, I would readily say that is all fanciful; there is no basis for any such authority as that; to determine whether there may be minerals in the bed of a stream it is not necessary to gauge the stream or measure the water supply, and the water supply does not apply to the class of investigations or researches that the original law authorized.

Mr. OLMSTED. Will the gentleman yield again?

Mr. CRUMPACKER. I yield.

Mr. OLMSTED. I notice that the words against which the point of order is made are "to continue the preparation," etc.

Mr. CRUMPACKER. Yes.

Mr. OLMSTED. It is a fact, I believe, that appropriations have been made from year to year and the work is in progress.

Mr. CRUMPACKER. Yes.

Mr. OLMSTED. I desire to know what the gentleman from Indiana says as to that branch of the rule invoked which expressly excepts Government works in progress?

Mr. CRUMPACKER. Well, now, this is identically the same language that was contained in the provision which was held out of order in the Forty-seventh Congress, "to continue preparation of geological maps of the United States;" but another sufficient argument to that is decisions hold that the work must be a tangible object—something in the nature of a structure—that that sort of work which is in a sense abstruse or like scientific research or investigation and the preparation of results is not a public work or object coming within the sense of the rules of the House.

Mr. DALZELL. What has the gentleman to say to the decision made at this session, acquiesced in by the House, that the continuation of a list of claims was a continuation of a public work already in progress? There is nothing very tangible or very structural about that?

Mr. CRUMPACKER. It is in a sense structural, but that is a particular thing. Now, the gauging of streams applies to thousands of streams, all the streams in the country.

Mr. DALZELL. This applies to a thousand claims.

Mr. CRUMPACKER. If it were for the gauging of the Mississippi River, for instance, and we had progressed to a certain extent upon that work, and the proposition was to continue the particular work that we had already entered upon, there would be some force in the argument of the gentleman. We authorized by resolution the Commission to prepare a publication covering the particular subject of a list of claims, and that publication was in process of preparation. The Commission had it partly completed and it was held in order to make an appropriation to complete it. I do not remember whether the question of order was raised respecting that appropriation or not, but it was simply to complete that particular specific work that had been already authorized—we had authorized it by resolution. I do not think, when I come to reflect, that instance is in point at all, because that work was authorized. It was not simply authorized by an appropriation; it was authorized by a resolution, and therefore, of course, was all in order. I think, Mr. Chairman, there can be no doubt that these items are not authorized by law. They are not public works or objects in progress within the meaning of the rule, and they should go out.

Mr. KEIFER. Mr. Chairman, I think we ought to understand exactly what the question made by the gentleman from Indiana [Mr. CRUMPACKER] is. As I understand—and he will correct me if I am wrong—his point of order is made against these words, commencing on page 75 of the bill, "To continue the preparation of a geological map of the United States, gauging streams, and determining the water supply." I understand that is the extent of the point of order.

Now, Mr. Chairman, I think for the purpose of determining the point of order you are conclusively bound to assume that the Committee on Appropriations used this language with a full knowledge of the subject, and when they said, "To continue the preparation of a geological map of the United States," and so forth, they were stating exactly the condition of things. We have in view, before us, of the Members here a geological map of the United States, largely prepared by the Geological Survey. The law in the past authorized the Geological Survey to prepare a map, and it is one of those things that can not be finished in a short time. There will be no completion of such a map so long as the Geological Survey is engaged in its work, and so long as it is necessary to be so engaged it is probable that it will be engaged in the preparation of a geological map. It will hardly ever be completed.

Now, the law of 1879 has been read, and we seem to be sticking on the question as to whether the words used in this act, namely, "national domain," include all of the United States territory. We seem to be troubled about that, but I am not now called on, I think, to undertake to state why in a part of the same clause of the act of 1879 there were used the words "public land" and then "national domain." But let us move up a little closer to the real question made here by the point of order and come to the act of August 7, 1882, which contains a clause on the subject of the Geological Survey, and let me here at the same time dispose of the gentleman's point of order that he claims was made in the Forty-seventh Congress, when he says a decision was made favorable to his point of order made now. That decision was made when we were considering the sundry civil bill, in the month of July, 1882. It is said that the point of order was sustained by ruling out the language "to continue the preparation of a geological map of the United States." The point of order was sustained against that language in the then sundry civil bill. Whatever may have been the ruling in July, 1882, the bill became a law on August 7, 1882, a month later, and it contained exactly that language and provided for a geological map of the United States. So we are not now dealing with the question of the meaning of the words

"public domain" or "national domain," because we entered upon the work of making maps by law under the act of August 7, 1882, and yearly since.

Now, Mr. Chairman, let me read the clause of that act. I read from page 329 of the Statutes, volume 22, as follows:

For the United States Geological Survey and the classification of public lands and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the *United States*.

Is there any doubt about whether that covers the whole of the domain of the United States?

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. KEIFER. Certainly.

Mr. CRUMPACKER. Has the gentleman made sufficient investigation of the history of that provision to know whether or not, after it was ruled out on a point of order in the House, it was inserted in the Senate and became a part of the bill?

Mr. KEIFER. That is a matter that I can not now answer, but I know it is a part of the law of 1882, and it has been a part of the law enacted each year ever since. It has been reenacted over and over every year, and the geological map that we see before us is a product of that sort of legislation, and therefore I was right in saying that the Committee on Appropriations fully understood what they were doing when they used the language here used, which is sought to be struck out, namely, "to continue the preparation of a geological map of the United States."

Mr. TAWNEY. I want to correct one statement made by the gentleman from Ohio.

Mr. KEIFER. Well?

Mr. TAWNEY. That is a map of the United States, not a geological map.

Mr. KEIFER. Partly a geological map, and is so marked and so called.

Mr. SMITH of Iowa. Not at all.

Mr. TAWNEY. It is partly topographical, and shows where some geological surveys have been made.

Mr. KEIFER. It may not be complete, but there are geological markings, and it is so designated on the margin and lower right-hand corner.

Mr. SMITH of Iowa. This map is not a topographical map and not a geological map.

Mr. KEIFER. The gentleman is in error. I am not talking about topography, but about a geological map.

Mr. SMITH of Iowa. It is a map of the United States on which is indicated where topographical and geological surveys have been made, but it is neither a topographical nor a geological map.

Mr. KEIFER. Nobody supposed that it was in a completed state, but it shows that the geology of the country is marked in a general way and in parts greatly in detail. Examine the map; it shows for itself.

Mr. SMITH of Iowa. Not at all.

Mr. STAFFORD. Can the gentleman state any authority for the Bureau of the Geological Survey for the beginning of the work of a geological map other than what is found in the sundry civil appropriation bill, to which he referred?

Mr. KEIFER. Mr. Chairman, I am not familiar enough with the earlier acts to state that there was an express provision in those acts requiring the Geological Survey to enter upon the making of a map, but I am prepared to say that the work of the Geological Survey would have been very worthless and useless if it had not done its work with a view to making a map. It was one of the necessary incidents of the work of the Survey that the Survey should enter upon the making of a geological map of the United States.

So, Mr. Chairman, in the act of 1882 and the acts since we have been providing for a continuation of the preparation of a geological map of the United States. That was the exact wording of the act of 1882 and of later acts, and it is quite immaterial what rule was made earlier than that, whatever the ruling was earlier than the passage of this act of August 7, 1882. I myself am of the opinion that in the use of the words "national domain" they meant the general domain of the United States. It will be impossible to have a geological survey of every piece of land by the side of land owned by individuals. Of course the original idea was to survey the public lands in the West to some extent, but it was meant to have a geological survey of all the country; and the language has been continued, and it has been recognized that a map, a Geological Survey map, was to be made, and we have been from year to year making appropriation to continue the making of a geological map of the United States, and the motion now is to strike out that part of the language that is simply the language used from year to year commencing with the year 1882.

Mr. DALZELL. Mr. Chairman, to sustain the gentleman's point of order it will be necessary for the Chair to hold that "public lands" and "national domain" are absolutely interchangeable terms.

The CHAIRMAN. Will the gentleman permit the Chair to ask a question.

Mr. DALZELL. Certainly.

The CHAIRMAN. Does not the gentleman believe that forest reserves are part of the public domain and not part of the public land?

Mr. DALZELL. That is in the line of my argument.

The CHAIRMAN. As the Chair understood the gentleman, there was no distinction of public lands.

Mr. DALZELL. I say that the Chair, to sustain the point of order made by the gentleman from Indiana, will have to hold that "public lands" and the "national domain," as used in the organization of the Geological Survey, are identical terms. I say that it is perfectly evident that they are not identical.

Mr. TAWNEY. If the gentleman will permit me—I do not care to discuss the point of order, but I want to correct an impression that he and many Members seem to have in regard to the organization and jurisdiction of the Geological Survey. If he will permit me to make a statement in regard to the history of the Geological Survey——

Mr. DALZELL. I know the history.

Mr. TAWNEY. I want to make a statement. The Academy of Sciences reported, in obedience to a resolution passed by Congress, in favor of the organization, in which report they used the word "public domain."

Mr. WM. ALDEN SMITH. When was that?

Mr. TAWNEY. That was in 1878. The resolution was passed by Congress. When the Academy of Sciences was incorporated Congress reserved the right to call upon it for a report on any special scientific subject. In 1878 Congress passed a resolution calling upon the Academy of Sciences for a report as to the best organization for the geological survey of the public domain. The Academy of Sciences accepted this service and made their report. In that report they spoke only of the "public domain" and defined it so that there can be no mistake as to what they intended the field of the activities of the Geological Survey to be. They clearly stated that the Survey should be limited to the public domain, and what they meant by the "public domain" was the Territories and the unsold public lands of the United States. It was upon this report that Congress authorized the organization of the Geological Survey and limited the field of its activities to the public domain. These scientific men did not contemplate or propose an organization that should include in its work a topographic and geological survey of the United States. As a matter of history I felt this statement should be made.

Mr. DALZELL. Mr. Chairman, the gentleman from Minnesota has said what I intended to say, though I probably could not have said it in as clear a manner as he has; but I think it throws considerable light upon this question.

Prior to 1879 there was an inquiry made by the National Academy of Sciences as to the proper method to be pursued to bring about certain national results. The consequence of that inquiry was the passage of the act incorporating the Geological Survey, the act of March 3, 1879, and it is in these words:

For the salary of the Director of the Geological Survey, which office is hereby established under the Interior Department, who shall be appointed by the President, by and with the advice and consent of the Senate, $6,000: *Provided*, That this officer shall have the direction of the Geological Survey, the classification of the public lands, and the examination of the geological structure, mineral resources, and products of the national domain.

The act goes on to say:

And the geological and geographical survey of the Territories and the geographical and geological survey of the Rocky Mountain region, under the Department of the Interior, and the geographical surveys west of the one hundredth meridian, under the War Department, are hereby discontinued, to take effect on the 30th day of June, 1879.

In other words, in addition to the specific authority contained in the sentence "classification of the public lands and examination," etc., there was an intention expressed as to all these varying subjects of national concern. The survey of these particular pieces of territory here and there was turned over to the Geological Survey, which was intrusted with the survey of the national domain. Now, what is the national domain? Why, the national domain, according to all the dictionaries that I have been able to consult, consists of the territory under the jurisdiction of the sovereign. The national domain of the United States consists of the forty-five States and the Territories of Alaska, Porto Rico, Hawaii, and the Philippine Islands. It is absolutely impossible to define the national domain in any other way.

But that is not all. The gentleman from Indiana [Mr. CRUMPACKER] contends that what the men who framed this act meant was this:

The classification of the public lands and the examination of their geological structure, mineral resources, and products.

That is what the gentleman says the parties who framed this piece of legislation meant to say, but that is not what they did say. They said that the Geological Survey should have charge of the classification of the public lands, but when it came to an examination of mineral resources and products, they said that they should be the mineral resources and products, not of the public lands, but of the national domain, the mineral resources and products of the entire country. Why, suppose that the Geological Survey was engaged in the investigation of the mineral resources and products of a little piece of the Territory of Arizona, immediately joining the State of Texas. The moment they struck the State line, according to my friend from Indiana, the Geological Survey would cease to have any function to perform. The functions of the Geological Survey, if my friend from Indiana is correct, have already been performed; the public lands have been classified; the mineral resources and products of the public lands are not so varied that many of them yet remain to be examined. Now, it seems to me that it is absurd to say that the gentlemen who framed this legislation had in view not so much the expression of what they intended, but had in view the matter of rhetorical beauty. My friend from Indiana says they did not want to repeat the term "public lands," that it would have been redundant, and therefore they used in the second part of the sentence the words "national domain," but they meant only to say that the classification of the public lands and the examination of their geological structure, their mineral resources, and their products should be the function of this survey. On the contrary, as it seems to me, they designedly used the right speech in determining by the use of two different terms the two different meanings that they intended to insert in the legislation. The public lands are to be classified, but the mineral resources and the products of the national domain are to be examined by the Geological Survey. Now, I end just exactly as I began. The Chair, in order to sustain the point of order, must hold that in this legislation "public lands," and "national domain" are absolutely interchangeable terms. I do not think he ought to so hold.

Mr. OLMSTED. I wish to add just a word to what my colleague has so well said. In construing a statute we must consider all of its parts. Now, we note, first, on page 394, volume 20 of the Statutes at Large, that in the act of 1879, conferring certain powers upon the Director of the Geological Survey, Congress abolished certain other surveys which plainly did have reference to land not owned by the United States. But they differentiate between public lands in the sense of lands owned by the United States and the national domain, meaning the entire territory within the jurisdiction of the United States.

Now, if, as my friend from Indiana says, they intended merely a rhetorical flourish in using these terms, see how they might with less labor have got better results:

"For the Geological Survey and classification of public lands and examination of geological structure and mineral resources and products thereof" they would have said, if they referred to public lands only; but instead of that they say "national domain," clearly referring to something larger and more extensive than public lands. They would not have abolished the other departments of surveys had they not intended that this Geological Survey should have charge of these matters in the Territories, in the region of the Rocky Mountains, and west of the one hundredth meridian.

The CHAIRMAN. The Chair would like to ask the gentleman if he thinks that under that authorization the United States Geological Survey would have the right to make a geological survey of the State of Pennsylvania as a part of the national domain?

Mr. OLMSTED. It has been doing it; that has been the construction.

The CHAIRMAN. The gentleman from Pennsylvania is not answering the question. The mere fact that it has been done is not proof that it is authorized by law. The question is, Does the gentleman from Pennsylvania believe that under the authority conferred by the statute the Geological Survey would have the power to make a survey of the State of Pennsylvania?

Mr. OLMSTED. It is a well-established principle of construction that contemporaneous exposition is most powerful in law. In that very same year in which they framed this law they appropriated for just that purpose, and have been doing it every year for twenty-five years since. That leads me, Mr. Chairman, to the other branch of the subject which I desire to discuss. These words to which the point of order is made are, "To continue the preparation of a geological map of the United States, gauging streams, and determining the water supply." It must be a conceded fact that this work has been going on for twenty-five years under annual appropriations from the Government, and that brings us to a consideration of the rule that is invoked against this paragraph, to the effect that there shall be no expenditure provided for in an appropriation bill not authorized by law, "unless in continuation of appropriations for such public works and objects as are already in progress." It can not be disputed that this is a work already in progress. The gentleman from Indiana says it is not a tangible work. I never heard that such a work was intangible, and I am not going to stop to discuss it except to call the attention of the Chair to two decisions that bear on the point. The first is on page 348 of the Manual, at the bottom of the page:

An appropriation to continue the marking of a boundary line of the nation is in continuation of a public work.

That was decided in the last Congress—the second session of the Fifty-eighth Congress. The present distinguished chairman of the Committee on Appropriations was in the chair.

Now, on the top of the next page it is recorded as having been held that "an appropriation to complete a list of claims was held to be in continuation of a public work or object." An appropriation had been made to make a list of private claims against the Government, and the list was being made. The further appropriation was asked for the completion or continuation of that list, and it was held to be in continuation of a public work or object in progress. Now, it seems to me that unless the Chair finds that these two rulings ought to be reversed, it will be compelled to overrule this point of order on the same grounds.

Mr. SHERLEY. Mr. Chairman, the point made by the gentleman from Indiana, if it has any validity, results in this proposition: That the words "public domain" mean the same as "public lands."

Mr. DALZELL. If the gentleman from Kentucky will pardon me, the words in the statute are not "public domain;" they are "national domain."

Mr. SHERLEY. The gentleman is right. I should have said "national domain."

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Kentucky to the latter portion of the same act creating the Geological Survey, in which it speaks of the codification of the present laws relating to the public domain. There the words used are "public domain."

Mr. SHERLEY. If the Chair will observe, there are three phrases used to express different things—"public land," "public domain," and "national domain." Now, the absolute inaccuracy of the contention of the gentleman from Indiana is shown by one little side light.

There is a provision that the Director of the Geological Survey shall not be interested in any of the lands surveyed. Now, if the lands were public lands only of the United States and the survey was limited to public lands of the United States, it would follow, as a matter of course, that he could not be interested in any of the lands that were surveyed, and it would be absurd and useless to put in the act the words that are put in, that the Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey. If it were public land they could not have.

Mr. TAWNEY. Why couldn't they have? They could make an entry.

Mr. SHERLEY. Oh, unquestionably they could make an entry, but the moment they made the entry the land would cease in the true sense of the term to be the public domain of the country, and would belong to the man who had made the entry therein under the law of the United States. The Chair will notice another thing. The purpose of this act was to combine certain work that was being done by different departments under one head. There is nothing in the act to show that it was the intention of the framers of it to narrow the work to a smaller compass than existed under the particular heads that were already doing the work. Take the acts that are abolished by this. Take the act for the geological survey of the Rocky Mountain region. Is there anything in that language, has anything been pointed out by the gentleman from Indiana [Mr. CRUMPACKER] that would show that under the act providing for the survey of the Rocky Mountain region they were limited to surveying simply public lands within the Rocky Mountain region? Is there anything within the act authorizing the survey of lands beyond the one hundredth meridian that would indicate that it is confined to public lands only? Now, if it be true that the acts that this act supersedes are broad enough to include lands not belonging to the Government as

public lands, it follows that this act which intends to embrace them must also include things beyond. Then the Chair will bear in mind in construing this section that no construction which is against the common sense and purpose of an act is to be indulged in unless the plain language of the act requires it. The whole act and its purpose must be considered. It is manifest to any man who knows anything in regard to geological work, to topographical mapping, that it is practically impossible to do efficient work if you are to be confined within limited territory. As stated by the gentleman from Pennsylvania [Mr. DALZELL], if a survey had been started in the Territory of Arizona, and the work came to the boundary line of the State of California, under the narrow construction claimed by the gentleman from Indiana [Mr. CRUMPACKER] that work would have to be stopped, even although by stopping it you would not be able to follow a single lead of any ore vein of copper, of silver, or of gold, or to make a real geological survey.

Mr. TAWNEY. Does the gentleman from Kentucky know that that is exactly what happens to-day under the construction of the Geological Survey?

Mr. SHERLEY. I do not know or admit it.

Mr. TAWNEY. Does the gentleman not know that unless California will cooperate with the Geological Survey in making a map the Geological Survey will not continue its work into that State?

Mr. SHERLEY. But the distinction is this: In the first place, the gentleman's facts are not correct. The cooperation with the States is given precedence because it enables the completion of the whole country at a quicker period than otherwise would happen, but the work contemplates the final doing of work all along over the whole country, and the gentleman will find from the reports of the Survey that they have never yet stopped right at the boundary of some particular section of a State line when it was necessary to go beyond. In my own State, in my own district, they are making a topographical survey now of the county of Jefferson, in the State of Kentucky, and because of the topography there, they are carrying that quarter section over into the State of Indiana in order to complete it, not confining it to State lines.

Mr. TAWNEY. But the State of Indiana is cooperating the same as the gentleman's State is.

Mr. SHERLEY. No; it is not cooperating the same as my State is. It may be cooperating in particular work, but the point is this: That the Geological Survey expects to map the whole country, and while they may do some particular work at some time and another particular work at another time, the act contemplates the doing of the whole of it. The construction claimed by the gentleman from Indiana [Mr. CRUMPACKER] would limit them to a narrow strip of public domain, and the result would be that in any number of instances their work could not be completed, because their jurisdiction would end right at the point where it might be most necessary to continue it.

But, Mr. Chairman, without taking further time, I simply want to say this in conclusion, that the use of the term "national domain" is not accidental, because it occurs too often, and it occurs in juxtaposition to the use of the terms "public lands" and "public domain." There might be some plausibility lent to the argument, if, in the first section only did you find the term "national domain." It would be curious that men knowing how to use the English language should use that phrase to express the same thing as "public lands," when it does not express it to the popular mind or to any other mind, save that of the gentleman from Indiana [Mr. CRUMPACKER]. But when you go further down, you find them again using the expression "national domain," having used just above it the expression "public lands," and this second repetition of these two phrases must carry conviction to any mind that they had in mind something other than public lands.

Mr. MARTIN. Will the Chair indulge me upon one point that has not been made?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MARTIN. Just for a moment. Now, in addition to what has been said as to the language of this act creating the Geological Survey, which refers to the classification of public lands, an examination of the geological structure, mineral resources, and products of the national domain, I want to call the attention of the Chair to what seems to me to be an additional authority in the act. The Director of the Geological Survey is also given authority to make a geological and geographical survey of the Territories and a geological and geographical survey of the Rocky Mountain region. I apprehend, of course, that the statute giving authority to the Director to make a geological survey of any region certainly gives him authority incidentally to make a geological map of that region, because the work of the Geological Survey would be of little or no value unless it were placed in the form of a map, where it could be of public utility. Now, what is the Rocky Mountain region and what would be the making of a geological map of the Rocky Mountain region? Certainly it would not be confined to the public lands of the Rocky Mountains. The Rocky Mountain region is something greater than the Rocky Mountains themselves. It is in this instance all of that region lying west of the Missouri River and between that and the Pacific Ocean, and now, upon the admission of States, the Rocky Mountain region embraces many of the United States, notably Idaho, Montana, Wyoming, the Dakotas, Colorado, and others that might be mentioned. Now, the point that I make is that under the direct authorization——

The CHAIRMAN. May the Chair ask the gentleman a question?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. Did the Rocky Mountain region embrace those States at the time or were they Territories?

Mr. MARTIN. Some were Territories and some were States at that time. Colorado was a State and Nevada was a State at the time the bill was passed, and there were other States in that region at that time. Some Territories have been admitted since, but this in no way impairs or affects the argument I seek to make upon this subject. There are now in the Rocky Mountain region additional States of the Union and have been since this language has been used repeatedly in these appropriation acts.

Now, then, the objection or point of order of the gentleman from Indiana is to an entire clause which provides a fund for the Director of the Geological Survey for continuing the making of a geological map of the United States. Undoubtedly, under the specific language to which I have referred, the Director of the Geological Survey has been amply authorized to make a geological survey at least within the Rocky Mountain region, and if to make a geological survey in the Rocky Mountain region to make a geological map of it. It will be presumed that in using any appropriation that will be made here it will not be applied to an unlawful purpose when a lawful purpose is carried in the legislation. The point I make, then, is simply this, that the point of order against this entire clause is not good, providing under this clause the Director can use this fund in any lawful way, and I insist that so far as that portion of the United States within the Rocky Mountain region is concerned this appropriation can be lawfully used to carry on the continuation of a work which is properly authorized within the act creating the Geological Survey.

Mr. UNDERWOOD. Mr. Chairman, I think this proposition has, to some extent, been decided heretofore. It is a well-known proposition of parliamentary law that where an appropriation for a specific purpose has been carried on in an appropriation bill from year to year it is held not to be a change of existing law. In the Forty-ninth Congress a point of order was made against what is known as the "fast mail service" going South, and there the Chairman held the provision was in order in the appropriation bill because it had been carried on from year to year for some fifteen years. Now, there is an exception to that rule. It has also been held that the reenactment from year to year of a law intended to apply during the year of its enactment only does not relieve the provision in reference to the point of order. Now, the Chair will note with that exception it has been held that provisions of law reenacted from year to year are to apply to that year only. Manifestly the proposition here is not to apply to the year only in which the appropriation is made. The survey of the public lands of the United States and the gauging of the rivers of the United States can not be done in one year. It must apply as a continuing proposition or the work would have have no value whatever. Therefore I say that that exception can not apply to the provisions of this bill, but that it is a proposition on its face that contemplates the idea that it shall be considered from one year to another.

But, Mr. Chairman, on January 29, 1904, there was a provision carried on the appropriation bill then before the House that read as follows:

> To enable the Secretary of State to mark the boundary, and make the survey incidental thereto, between the Territory of Alaska and the Dominion of Canada in conformity with the award of the Alaskan Boundary Commission.

Now, Mr. Chairman, that proposition was held to be in order. Why? As the Chair will note in the Digest, on page 348, it was held to be in order on an appropriation bill to continue the marking of a boundary line of the nation as the continuation of a public work. The appropriations had been made some years before for this service. They had expired. There was some intervening time, as I understand the proposition, and after-

wards there was enacted into an appropriation bill provision for sufficient money to carry on the work, and the Chairman, Mr. HEMENWAY, of Indiana, then occupying the chair, held it was in order on the appropriation bill, because it was a continuation of a public work. Now, the question that the gentleman from Indiana [Mr. CRUMPACKER] makes in reference to this Geological Survey——

Mr. OLMSTED. Will the gentleman allow me to make a small correction?

Mr. UNDERWOOD. Certainly.

Mr. OLMSTED. Mr. HEMENWAY was chairman of the Appropriations Committee, and Mr. TAWNEY was in the chair and made the ruling.

Mr. UNDERWOOD. It was Mr. HEMENWAY that was in favor of the proposition. The present chairman of the committee [Mr. TAWNEY] was in the chair.

Now, Mr. Chairman, I take it for granted there can be no distinction between a matter being a public work, to ascertain the boundary line of the United States and for a map to gauge a stream and survey the mineral domain of the United States, or the public national domain of the United States. This is a continuing work to-day, and I contend there is no distinction between the two cases, and I think on that precedent the Chair should hold this proposition in order.

Mr. THOMAS of North Carolina. Mr. Chairman, this point of order has been very fully discussed, and I do not desire to say very much upon it. I simply want to call the Chair's attention to one point with reference to the question which the Chair asked. The Chair asked the question as to the distinction between the national domain and public lands. There is no doubt the national domain includes forest reserves. But it should be remembered by the Chair that at the time the law establishing the Geological Survey was passed, which was read by the gentleman from Pennsylvania [Mr. DALZELL], there were no national forest reserves or parks.

On this point of order, in addition, I want to say to the Chair that it is perfectly clear to my own mind, standing upon the broad proposition stated by the gentleman from Alabama [Mr. UNDERWOOD] and by the gentleman from Pennsylvania [Mr. DALZELL], that this item, having been carried in an appropriation bill for many years under all the decisions and rulings of the Committee of the Whole and of the House, is the continuation of a public work. I do not see how any other view can be taken of it than that.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, there is one matter to which the attention of the Chair has not been called specifically, and that is the distinction between the provision for gauging streams and determining the water supply and the other provision to which the point of order has been made. The provision for gauging streams and determining the water supply does not rest upon the same basis as the other provision, because the item for gauging streams and determining the water supply was not first carried in an independent statute, but in an appropriation bill in 1894, and therefore the argument that this provision has been sanctioned by the action of Congress, that there is a settled construction by Congress, would not apply to that item. The mere fact that an item is carried for years in an appropriation bill is not to be regarded as of any value in determining the question of the validity of the original appropriation.

Now, I think that even if the Chair should rule that the term "public lands" and "national domain" are not convertible terms, but that the latter is a very much broader term, including the whole territory of the United States, and that therefore there is authority for investigating the products and mineral resources of the whole country and for preparing a geological map, it would not follow from that decision by any means that there would be any authority for gauging the streams of the United States and determining the water supply. I wanted to call the attention of the Chair to that point, because I believe in the decision of the Chair these items may be made separable. The main purpose, so far as I can discover, of gauging these streams is stated in the answer of the Director of the Geological Survey, to a question put by a member of the committee. Mr. Walcott, in answer to the question by the chairman, "What governmental purpose does that subserve?" said:

> That serves the purpose of obtaining data in regard to flow through a succession of years on rivers running through many States, as several of them do, thus collecting information in regard to the water available for power or other useful purposes.

It is apparent from his answer that this work has no relation whatever to the investigation of the mineral resources of the United States or products of the United States.

The CHAIRMAN. The Chair will hear the gentleman from Georgia, and then the gentleman from Indiana, who made the point of order, and after that the Chair will decide, as the point of order has been generously discussed.

Mr. BARTLETT. Mr. Chairman, I want to call the attention of the Chair to the fact that there has been in many instances recognition by Congress in various statutes of the distinction between what is called "public domain" and the "national domain." There are a number of acts which show this distinction. I will call attention to the act of Congress of 1862, as amended by the act of 1888, authorizing telegraph companies to build telegraph lines over certain territory of the United States, and they always spoke of it as "public domain," showing clearly that Congress intended simply to grant power and authority to the telegraph companies to build their lines over land the title to which was in the United States as contradistinguished from "the national domain," the title to which would be in the States and in the United States.

Now, in the act of 1862, with reference to this, and the act of August 8, 1888, which is supplementary to the prior act on the subject, it uses this language, speaking of the telegraph lines:

> Shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the *public domain* of the United States, over and along any of the military or post roads.

I read that for the purpose of showing that when the act of 1879, providing for the Geological Survey, used the words "national domain," that Congress meant what it said, and that in these other acts, when they used the language "public domain," they meant public lands of the United States and those lands over which the United States had exclusive ownership and jurisdiction and over which the States had no jurisdiction. Therefore, when Congress used the term "national domain," as it does in the act of 1879, it meant to authorize this geological survey upon any part of the United States, public domain of the United States, or domain of the United States which comes under the broad provision of "national domain."

One word further, Mr. Chairman. This act, up to last year and this year, provides for a continuation of this work of gauging streams—for the "continuation" of the work, showing that Congress recognized that it authorized the work to be instituted, and it has continued the work, through a number of years, in every appropriation bill since 1894. But I will call attention to the act of 1896, where the provision was made for this money for this work, and it is "to enable the Director of the United States Geological Survey to continue to gauge the streams and determine the water supply of the United States." Not water supply upon the public lands of the United States; not water supply of the navigable rivers of the United States, over which the United States has exclusive jurisdiction, but over the waterways of the United States. That would be synonymous, if they had stated over waterways of the national domain; and therefore this act authorized, in 1896, continuation of the work. The work has been in progress ever since. Various acts of Congress—appropriation acts, the appropriation act of 1905, the appropriation act of 1904, and in 1894 and 1895, and on—recognized it as a continuing work and for the benefit of the people of the United States. I do not think that the criticism made by the gentleman from Indiana, who makes the point of order, that the words "national domain" are synonymous and convertible with the term "public domain," is well founded. I do not care to detain the Chair any longer by reference to the other acts, but I could show them, as I have them compiled, for the benefit of the Chair, if he should wish it. The point I am insisting on is that where Congress has used the word intending to show authority over the lands of the United States, and over which the States have no control, they have invariably used the words "public domain" and "public lands;" where they intended to give authority generally to the United States they have used the words "national domain;" and to my mind the distinction is clear, Mr. Chairman.

Mr. CRUMPACKER. Mr. Chairman, gentlemen who have opposed this point of order have, in the main, it seems to me, overlooked the vital question in the case. For the sake of argument it might be admitted that the term "national domain" should have the signification contended for it. There is nothing in the statute that authorizes the making of geological maps for the United States or the gauging of streams with a view to ascertaining the water supply. There is nothing of that kind in the statute, even giving it the interpretation that gentlemen in opposition to the point of order contend.

Now, I think I can very briefly demonstrate that the term "national domain," in the sense of the law, does not have any such signification as is claimed for it by the gentlemen from Pennsylvania [Mr. DALZELL] and Ohio [Mr. KEIFER] and other gentlemen who have spoken in opposition to the point of order. The term "national domain" has a literary meaning, an historical meaning, a political meaning, and a legal meaning, and

we are dealing with it now as a part of a public statute. We are to give it its legal signification, not its literary meaning. I have before me Webster's International Dictionary, defining the meaning of the word "domain." It is defined to be "dominion, empire, authority." Nobody would pretend that the authority, the empire, of the United States is capable of being surveyed and its mineral resources determined.

Mr. LITTLEFIELD. Developed, you mean.

Mr. CRUMPACKER. Developed. Another meaning is "the territory over which dominion or authority is exerted; the possessions of a sovereign or commonwealth, or the like."

Another is "landed property; estate; especially, the land about the mansion house of a lord, and in his immediate occupancy; demesne."

The legal meaning of the term is given by the dictionary as "ownership of land; an estate or patrimony," etc.

Mr. WM. ALDEN SMITH. If the gentleman will permit me to interrupt him there, I should like to ask if it was the intention of the Government to pursue its inquiry in the United States along the line of the legislation which we have been considering, what expression could be more effective than the term that was used in that act; and if it was used for the purpose of giving it effect and force, why should we not stand by it now?

Mr. TAWNEY. The language that the gentleman makes the point of order to is the language that is broader than that which is used in the act creating the Geological Survey.

Mr. CRUMPACKER. I have already suggested that to the Chair—that the provisions I object to now are not included, even giving the term the broad meaning that the gentleman contends for it.

Mr. LITTLEFIELD. Your contention is that the appropriation bill goes further than the law.

Mr. CRUMPACKER. That the appropriation bill goes further than the law, under any interpretation that may be given the law in the first place.

Mr. DALZELL. Does the gentleman think there could be an examination made of the geological structure of the country without mapping it?

Mr. CRUMPACKER. There might, of course.

Mr. LITTLEFIELD. Is not the matter a necessary incident?

Mr. CRUMPACKER. Not a necessary but a reasonable incident; but the geological survey of a county does not authorize, as an incident, a map of the whole United States.

Mr. SMITH of Iowa. Will the gentleman allow me further to suggest there that in the hearings before the Committee on Appropriations it appeared that the State of Pennsylvania made a complete geological survey without any map, and that the sole excuse furnished for the United States spending money there is that that geological survey was not accompanied by maps?

Mr. KEIFER. I should like to interrupt. I think that is a mistake.

Mr. DALZELL. That has been partly done.

Mr. SMITH of Iowa. And that shows that the State of Pennsylvania did make a complete geological survey without a map.

Mr. LITTLEFIELD. Was it not on the ground that the survey is incomplete and the map is necessary to make it complete?

Mr. SMITH of Iowa. Not at all. It was contended by the Director of the Geological Survey that it was hard to identify the geological survey with the location that was described without the maps, but the State of Pennsylvania made their geological survey complete without the maps.

Mr. SHERLEY. I simply want to ask the gentleman from Indiana if he is aware that the act creating the Geological Survey provides for maps and for the size of the volume in which they shall be printed? It provides that memoirs and reports of this Survey shall be issued in uniform quarto series if deemed necessary by the Director, or otherwise in ordinary octavo, and it speaks of the number of copies, providing for the issuing of maps, in the very act creating the Survey.

Mr. CRUMPACKER. Now, suppose the Geological Survey should write an exhaustive history of the United States, along political and literary lines, along with the geological report of investigations for your section, would it have authority in law to do it?

Mr. WM. ALDEN SMITH. I would suggest to the gentleman that under the present directorate of the Geological Survey we have a history of the United States, and a very valuable one.

Mr. CRUMPACKER. That may be. I will not discuss that. In relation to this particular question, the decision I submitted to the Chair earlier in the discussion, that the right, if any right of that kind is given at all, to make a map is confined to the map of the public domain, and the decision was acquiesced in by the House. Those in charge of the bill at that time, after the proposition went out on a point of order, offered an amendment providing for the continuation and making the map of the geological survey of the national domain, putting in the limitation suggested by the Chair, and it was held in order.

Mr. KEIFER. Oh, the gentleman is mistaken.

Mr. CRUMPACKER. I have the record of the whole proceedings before me. The amendment was corrected in accordance with the suggestion of the Chair, and it was held in order. Then when the bill went to the Senate—and I have the original Senate bill—it was reported back and the words "national domain" were stricken out, and that is the way the provision got in the law. It was stricken out in the Senate, and the Chairman of the Committee of the Whole House held that it was not in order, because it was not confined to the national domain.

Mr. WM. ALDEN SMITH. What did the Senate put in?

Mr. CRUMPACKER. Just what is in it now.

Mr. KEIFER. Is it not a fact that since that became a law—since August, 1882—we have been using the words that are used in the bill now that the gentleman seeks to have stricken out?

Mr. CRUMPACKER. I take it for granted and I am willing to admit——

Mr. KEIFER. It provides for a geological map of the United States, and are we not continuing that object under Rule XXI?

Mr. CRUMPACKER. I am willing to admit that every appropriation bill since this ruling has contained the same language in relation to the geological map that I have made the point of order to in this bill, but it was confined to an appropriation and only created law for the fiscal year that the money was appropriated for, and did not, under the decisions of the House, become authority for subsequent appropriations.

Now, if the Chair please, I want to submit a definition from Black's Law Dictionary of the distinction between "public domain" and "national domain," if there be any. "Public domain" is defined to be: "This term embraces all lands the title to which is in the United States, including land occupied for the purpose of Federal buildings, arsenals, docks, etc., and land of an agricultural or of a mineral character not yet granted to private owners." That is the definition of "public domain." Now, "national domain" is substantially the same. This authority gives the definition of "national domain" to be: "A term sometimes used and applied to the aggregate of property owned directly by the nation." That is the only and the entire definition of the author in giving the legal definition of the terms and phrases that occur in the legislative and legal literature of the country.

Mr. DALZELL. Will the gentleman allow me a question?

Mr. CRUMPACKER. Certainly.

Mr. DALZELL. Is not the point of order the gentleman has made equally applicable to almost every paragraph of the appropriation for the Geological Survey?

Mr. CRUMPACKER. I have not examined them carefully.

Mr. DALZELL. I will call the gentleman's attention to them and ask him.

Mr. CRUMPACKER. I presume the questions will be raised as we proceed with the bill.

Mr. DALZELL. It seems to me it is a mighty important matter to know whether we are going to destroy the Geological Survey on points of order. The topographical survey is subject to a point of order, if the gentleman's position is correct.

Mr. CRUMPACKER. It is if there is no authority in law for it; as many of these provisions as are not authorized by existing law are subject to a point of order.

Mr. DALZELL. There is no authorization unless "national domain" means what we contend it means, and the consequence is that every item almost belonging to the Geological Survey, with one or two exceptions, is absolutely stricken out by this point of order, and this Department, which has existed for twenty-six years, is proposed to be destroyed by a point of order, and I don't believe it can be done. [Applause.]

Mr. CRUMPACKER. Mr. Chairman, I think the argument has no bearing on the question of law. Congress in using the term "national domain," in the statute referred to, must, of course, have used it in its legal signification, not in its historical signification, not in its political signification, but as bearing upon the real domain of the United States in its legal sense, and that means the public domain, the public lands.

Mr. GROSVENOR. Mr. Chairman, I would like to ask the gentleman a question. What is the land upon which I live, for instance, to what domain does that belong?

Mr. CRUMPACKER. The chances are that it is the gentleman's domain. It is in the domain of the gentleman from Ohio.

Mr. GROSVENOR. That is the domination that I have as owner.

Mr. CRUMPACKER. Yes.

Mr. GROSVENOR. But under what domain, in a broad term, does it belong to?

Mr. CRUMPACKER. That is the point I want to make, and I thank the gentleman for making the suggestion. There are two domains. There is the State dominion and the national dominion, and when the Congress came to employ the term in this statute it said "national domain;" and the gentleman's home is under the State domain, under the sovereignty or dominion or government of the State of Ohio.

Mr. GROSVENOR. But when I put up a flag on my house it is always the Stars and Stripes.

Mr. CRUMPACKER. There is no doubt about that; and the gentleman is using the term in a political sense, in the sense of empire or sovereignty.

I undertake to say this: That Congress never used the term "national domain" in the sense that it gave permission to Federal officers to go into the States upon private property, to go where Congress had absolutely no power to send public officers to perform a duty. That was not and is not and can not be a Federal duty. We must presume that in using the term Congress used it for the carrying out of some duty or function that Congress had the power to carry out. There is not a gentleman on the floor of the House who will not admit that the State of Massachusetts, the State of Pennsylvania, or the State of Kentucky could exclude every single Federal official who goes there for the purpose of making a geological survey; who goes there for the purpose of making topographical maps; who goes there for the purpose of gauging streams. It is a purely voluntary service. It is not a national function, and I appeal to the argument of the gentleman from Kentucky [Mr. SHERLEY], made a few weeks ago in the House, to refute the argument that he has advanced to-day. Congress, when it used that term, used it in its legal signification, to apply to the property that is owned by the Federal Government, property that it was preparing for the market, that it was seeking information about in order that investors might be attracted; and if this survey has been extended by acquiescence from State to State and from county to county and from township to township and municipality to municipality, it is purely a voluntary service, a service that does not belong to the Federal Government, and there is no authority of law for it. It seems to me that there can be no doubt that the point of order is well taken. I am ready to submit the question.

Mr. WM. ALDEN SMITH. But what authority has the Agricultural Department for inquiring into the character of soils in the State of Michigan? It has unquestioned authority which is conceded by the State of Michigan, for it is intended to help the State and not to harm it; the people welcome it; and the national domain certainly would include all our sovereign territory, which might be properly investigated and examined.

The CHAIRMAN. The Chair thinks this question has been discussed with great freedom, and is ready to submit his ruling on the question involved. It is difficult for the Chair as a Member of the House, as it doubtless is for every other Member of the House, to divorce his ideas as to what the law is, the cold-blooded law, from the sentiment involved in the controversy. The Chair is of opinion that the point of order is well taken. The only authority for the enactment of the sections to which the point of order lies is that they are public works in progress. The Chair thinks that it would have been better had the gentleman from Indiana [Mr. CRUMPACKER] made the point of order on the different phrases instead of the lines. "To continue the preparation of a geological map of the United States" is one proposition. "Gauging streams and determining the water supply of the United States" is a separate and distinct proposition, and in the opinion of the Chair the point of order to these different propositions rests upon different grounds. As the Chair stated in the beginning, the broad proposition that they are public works in progress rests upon two grounds; first, that there is authority of law for the work contemplated by the section, or secondly, that even though they were never authorized by express statute, they are yet works which were begun under authority of Congress, and are therefore works in progress within the meaning, which is a well-established meaning, of the rule of this House. In order to determine whether or not there is authority of law for the first proposition, "to continue the preparation of a geological map of the United States"——

Mr. CRUMPACKER. Mr. Chairman, with the Chair's permission, I would like to state that I shall withdraw the point of order to that provision—the continuation of the maps—and confine it to the gauging of streams.

The CHAIRMAN. The Chair is of opinion that it is wise in the gentleman from Indiana [Mr. CRUMPACKER] to withdraw the point, because it rests upon an entirely different basis from the other proposition involved—gauging streams and determining the water supply. In order to determine whether or not there is authority of law for these works, either of them, recourse may be had to the statute creating the Geological Survey, defining the duties of the officer in charge, and limiting the scope of his authority. And in order that the statute may be intelligently discussed and understood it might perhaps be well to call attention to the conditions which existed with reference to the Geological Survey before the enactment of that statute. This question has been somewhat discussed by gentlemen, and the Chair will not go fully into details; but previous to that time, without any authority of law for making these surveys, appropriation bills had repeatedly contained provisions for geological surveys. For instance, in 1872 (this law having been enacted in 1879), the appropriation bill for that year contained this clause:

For the continuation of a geological and geographical survey of the Territories of the United States, under the direction of the Secretary of the Interior.

In 1873 there was a like provision, and again in 1875 and 1877. In other words, before the enactment of the statute of 1879, creating the office of a Geological Survey and defining the powers of the officer in charge, the appropriations for geological surveys were always confined to the Territories of the United States. Now, in 1878 the cause of the confusion which theretofore existed—and that confusion the Chair will briefly call attention to—grew out of the fact that the different Departments of the Government undertook to assume jurisdiction of various phases of geological surveys, paleontological surveys, ethnological surveys, and all that sort of thing; so that in 1879 we had a geological and geographical survey of the Territories, a geographical and geological survey of the Rocky Mountain region under the Department of the Interior, geographical surveys west of the one hundredth meridian under the War Department, and confusion resulted because of these several jurisdictions. Thereupon the National Academy of Sciences, in 1878, owing to this confusion and a desire that there should be order and harmony, passed a resolution in this language, which will throw some light upon the statute that was thereafter enacted in response to the demand of the National Academy of Sciences, and will throw some light upon a correct interpretation and construction of that statute.

Mr. TAWNEY. If the Chair will pardon me——

The CHAIRMAN. Yes.

Mr. TAWNEY. A resolution was adopted by Congress calling upon the Academy and Congress requested——

The CHAIRMAN. Did the Chair state it the other way?

Mr. TAWNEY. The Chair stated the resolution was adopted by the Academy of Sciences.

The CHAIRMAN. The Chair thanks the gentleman; it was a resolution adopted by Congress, as follows:

Provided, That the National Academy of Sciences is hereby requested at their next meeting to take into consideration the method and expense of conducting all surveys of a scientific character under the War or Interior Department and the surveys of the Land Office, and to report to Congress as soon thereafter as may be practicable a plan for surveying and mapping the Territories of the United States on such general system as will, in their judgment, secure the best results at the least possible cost.

This resolution had reference solely to the Territories of the United States. Under the foregoing provision the National Academy of Sciences recommended, almost in the exact language of the statute immediately thereafter adopted by Congress:

That Congress establish under the Department of the Interior an independent organization, to be known as the United States Geological Survey, to be charged with the study of the geological structure and economical resources of the public domain; such survey to be placed under a Director, to be appointed by the President, etc.

Having reference to what? Manifestly to what had been done always before in the history of the Geological Survey; manifestly to what had been called for by the resolution of Congress made to the Academy of Sciences, the Territories of the United States or the public domain. Now, the Chair desires to call attention to the specific item referred to, the gauging of streams and the determining of the water supply of the United States. When the statute creating the Office of Geological Survey was passed it had in it this language, and the Chair assumes that if the Geological Survey of the United States has any power, it was conferred upon the Geological Survey by the express language of this statute, and aside from this statute it has no power. Here is the provision:

Provided, That this officer shall have the direction of the geological survey and the classification of the public lands and the examination of the geological structure, mineral resources, and products of the national domain.

Now, will the gentleman contend, or has it been contended, that the gauging of a stream comes within any of those pro-

visions? Manifestly not, and the Chair believes that even if the language in the appropriation bill was entirely different from what it is and confined to gauging of streams of the public domain, that it would not be in order. Can the gauging of streams be held to be a part of the geological survey, a classification of the public lands, the examination of the geological structure, the examination of the mineral resources, or an examination of the products of the national domain? The Chair thinks not. The Chair thinks that the only power that the Geological Surveyor has has been conferred upon him by the express language of this statute. Aside from that he has no power, and the gauging of streams is not within the provision of these several powers conferred upon him by this statute. Therefore the Chair thinks clearly the term "gauging of streams and determining the water supply" does not fall within any of the provisions of the statute creating the Office of the Geological Survey and defining and limiting the power of its officers. Furthermore, in order to determine whether or not there is authority of law for the work contemplated, we have recourse to the statute passed in 1879, as the Chair has already said; and the Chair repeats that, in the opinion of the Chair, even if the language of the appropriation bill under consideration confined the gauging of a stream and the determining of the water supply of the United States to the national domain, it would yet not be in order. Why not? The Chair thinks it is obnoxious and the point of order should be sustained.

Secondly, because the authority conferred by the law upon the Director of the Geological Survey has reference only to the national domain. And the Chair thinks there has been some confusion in terms between the "national domain" and "public domain." The Chair believes that the District of Columbia is the national domain, but yet it is certainly not the public domain, because the public domain has reference only to the public lands, and "public domain" and "public lands" are terms interchangeably used, in the opinion of the Chair, and mean one and the same thing, and they have reference to land which can be distributed for settlement. The forest reserves are a part of the national domain, and yet are not a part of the public lands, because they have been disposed of. The Chair believes that the Territory of New Mexico is a part of the national domain, and yet vast portions of it which have already been distributed and are already settled are not a part of the public domain. The Chair thinks that that is a distinction which has been lately made and that it is the wise distinction to make in this instance.

Now, what is the other question involved? The only other jurisdiction for the enactment of this section is that it is a public work already in progress within the meaning of our rule. And the reason given therefor is that previous statutes heretofore enacted have contained this express provision. The rule of this House imposes this limitation on the power of the House as to legislation on appropriation bills, that no appropriation shall be made for any expenditure not previously authorize by law, unless such proposed expenditure is in continuation of a public work or object already in progress—that is, a public work or object previously appropriated for and yet not completed. But what is a public work in progress? In order to ascertain that, it will be necessary to have recourse to the discussions on these specific propositions. It has been repeatedly held, and held in one instance by the gentleman from Pennsylvania [Mr. OLMSTED], that the term "public work" as contemplated by the rule of the House clearly has reference to some tangible matter, as to a building, or a road, and such other matters of a like character as will readily suggest themselves.

Now, at the first session of the Fifty-first Congress this subject was taken up, and Mr. Payson, of Illinois, Chairman of the Committee of the Whole House on the state of the Union, in a decision which the Chair regards, after careful examination, was as well considered, if not better, than any other one made on this subject, held that the term "public work" had reference only to a tangible matter. The case is so clear in point and is so certainly decisive of the question involved that the Chair will take the liberty of calling the attention of the committee to it by quoting a part of it:

If this provision—

He says, and it is not necessary to state what provision, because the language is readily applicable to this provision—

is properly in this bill at all, the point of order being raised against it, it must be, in the judgment of the Chair, because it is connected with an "object already in progress" under the statutes of the United States.

The term "public works," in the judgment of the Chair, clearly contemplates tangible matters, as buildings, roads, and such other matters as readily suggest themselves.

So the question only remains, Does the expression "objects already in progress" include the duties to be performed by this board during the ensuing year?

It must be remembered that these duties are only to hear and determine appeals from the Commissioner of Pensions to the Secretary, and to be settled by that officer, but, as it is practically impossible for the Secretary to do this, the performance of that duty is devolved upon this board as part of the force in the Secretary's office.

The duties are only part of the ordinary duties of an important executive office—routine duties, to be performed as the papers come to the Secretary's office day by day.

These duties so to be performed are not, in the judgment of the Chair, the "object in progress" contemplated by the rule.

Then the Chair well says:

The clause in the rule contemplates specific legislation for a certain purpose, for which provision has been made by law, but which specific legislation has not been consummated by an attainment of the object under the appropriation made for it and for which the appropriation made had proved insufficient.

In such case the rule allows an appropriation on a general bill to complete the "object." But the clause does not include the ordinary performance of regular routine duty by the clerical force in the Department.

A decision more clearly in point and on all fours with the present case was rendered by Hon. SERENO E. PAYNE in the second session of the Fifty-fourth Congress. At that time Mr. JAMES A. TAWNEY, of Minnesota, offered this amendment.

The Chair calls attention to the similarity between the amendment offered by the gentleman, in effect, to the one under consideration at this time:

Fiber investigations: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in or adapted to the United States, including their economic growth, cleansing, and decorticating.

The Chair again calls attention to the exact language:

Fiber investigations: To enable the Secretary of Agriculture to continue investigations—

Investigations having theretofore been authorized by previous appropriation bills. Thereupon, Mr. WADSWORTH, of New York, made the point of order, and the Chairman, Mr. PAYNE, held that the amendment was not in order, as the investigation was not such a tangible thing as would bring it within the exception whereby public works may be continued.

Mr. OLMSTED, of Pennsylvania, held later, under a similar point of order, public works and objects to mean "tangible matters, like buildings," etc., and "that the mere appropriation of a salary does not thereby create an office so as to justify appropriations in the succeeding year."

Now, the gist of these decisions is: Was it a public object in progress at the time the appropriation was asked for? If so, it must be a tangible work, something that would be completed. An object that could be completed at some time, something with a definite, fixed object, and not a continuing something; that it must have a definite end in sight in order to be an object in progress within the meaning of this rule. Provision for gauging streams is not a tangible object. It is not a definite something that can be concluded, nor is a determination of the water supply of the United States such a definite object in progress; and because of these statements, and because of these reasons, the Chair believes that the point of order should be sustained as to these two items, the gentleman from Indiana having withdrawn the point of order on the other item, and the Chair sustains the point of order.

Mr. WILEY of New Jersey. Mr. Chairman, I move to strike out the last word.

If I had that voice of thunder and that throat of brass which Homer wrote of, or if I had some of the eloquence with which this Chamber resounds, I would feel that I could not use them to better purpose than in the discussion of this bill which is now before us; but the curriculum of the scientific school does not include the art of oratory. Engineers are men of deeds rather than of words, and their motto is: "Res non verba." It is possible this accounts for the few engineers sent to Congress. Moreover, I find myself somewhat hampered by the limitations of this debate under the five-minute rule, and I hope the House will be very generous with me if I have to exceed that time, as I fear I must. I feel like exclaiming with that Latin writer: "When I labor to be brief, I find that I am made obscure." Hence I am forced to write what I should like to deliver without writing.

The work of the Geological Survey is one of the most national enterprises undertaken by the Government, and can not be judged by rules which might be applied to other governmental functions.

A scientific investigation, to be of value, must be not only thorough, but complete. No reliable deductions can be drawn from a half truth; indeed, this half truth may be the most dangerous form of error. It is the acting on half truths which makes men nihilists, anarchists, and criminals.

I am willing to concede to the committee in charge of this bill that they were actuated by a sincere desire to save the public money, and economy is always to be commended unless it degenerates into parsimony, when it is not only unwise, but

far more expensive than lavishness would be. I want to point out certain illustrations of this parsimonious economy falsely so called, which have come under my own observation.

The freeholders of a certain county desired to erect a stone arch bridge and applied to an engineer to superintend it. He stated his salary at $2,500 and declined the $1,500 they offered, so they, in their desire to save the difference, employed a "practical man" at $1,500. He erected the bridge, and before it was open for traffic it fell in and had to be razed to its foundations, costing the county $30,000.

I know an engineer who reported a bridge as unsafe. He did it on several occasions, and he asked for $20,000 with which to make that bridge secure, but his directors refused the money and told him to get along without it. One night in the dead of winter a train went through that bridge and 50 people were burned up and 200 more were injured. The engineer brooded over the misfortune, which was in no way his fault, until he became insane and committed suicide. It cost that road over a half million dollars for damages. While I was sorry for the accident, I was also sorry that the damages were not a million dollars instead of half a million. I could give other instances constantly occurring in the lives of engineers, showing the folly of parsimonious economy, which masquerades as economy.

The estimates submitted to the Committee on Appropriations of this House were carefully prepared by the various chiefs of bureaus in charge of the work contemplated. They were exact estimates, asking only for what was needed, neither more nor less, and there is submitted to this House an estimate made by the committee, a body that could not possibly understand the needs of the Survey, cutting down some estimates one-half, and making an average reduction of one-fifth.

One word here as to the character and attainments of the members of the Geological Survey. In common with the engineering fraternity, I have been in close touch with them for twenty years or more. Engineers look upon them as scientists of the highest standing, and accept their conclusions as reliable and of the greatest value to the profession. They are enthusiasts on the lines of discovery, and there is hardly one of them who could not better his position financially by leaving it. I know much higher salaries have been offered several, but their love for these investigations is so great, and the opportunities of the Government service for scientific research are so attractive to them that they can not be tempted by mere money. Their interest is in science and in science alone.

To show how cutting down an appropriation not only cripples an investigation, but practically neutralizes its results, take the gauging of streams when one-half the appropriation has been cut off. This work must be continuous to enable any definite conclusions to be reached. It will not answer to gauge a stream now and then. The conduct of the stream must be studied year in and year out, so as to predicate on the flow of water as to its amount, velocity, and other actions, under all possible circumstances. In order to make this work of value, it must be continued to completion. Partial results have been obtained on the gauging of streams, and as far as they go they are all right, but until they are complete they are of no practical value to anybody. It may be asked, indeed I have been asked, why the Government should undertake these matters instead of leaving them to private enterprises? There are two reasons: First, few private enterprises could conduct them on the scale on which the Government has done, and will do if this House will give them means to go forward, as they have the plant already constructed to undertake the investigations.

Mr. TAWNEY. I should like to ask the gentleman from New Jersey when he obtained consent to proceed indefinitely in delivering this speech?

The CHAIRMAN (Mr. BOUTELL). The present occupant of the chair will state that he just took the chair, to relieve the previous occupant, and does not know what arrangement was made.

Mr. TAWNEY. I do not understand that the gentleman received unanimous consent to proceed indefinitely.

The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent, at the request of Mr. MCCLEARY of Minnesota and Mr. BENNET of New York, the time of Mr. WILEY of New Jersey was extended ten minutes.]

Mr. WILEY of New Jersey. I said that few private enterprises could carry out this work as the Government can do it.

Mr. TAWNEY. I desire to ask the gentleman if he is reading the same document that was printed in the RECORD a few days ago by the gentleman from Ohio?

Mr. WILEY of New Jersey. I really do not know. This is what I wrote myself. [Laughter.] I was not aware that the gentleman from Ohio had obtained access to my manuscript.

Mr. TAWNEY. I was informed that it was the brief prepared by the Geological Survey.

Mr. WILEY of New Jersey. This is a brief prepared by myself.

Mr. GROSVENOR. The gentleman from Minnesota has referred to that two or three times. I made no pretense that that was my own production.

Mr. TAWNEY. I did not say you did.

Mr. GROSVENOR. But I think it was a credit to myself that I was able to get it, and I think it would have been a credit to the gentleman from Minnesota if he had. [Applause.]

Mr. WILEY of New Jersey. Second, while the Government results are disinterested and will favor no one unduly, a private investigation is always open to the suspicion of partisanship. The result announced by the Government will have a weight with the engineers and the public which the private investigation will never attain. Moreover, the subjects investigated are of inestimable value to the Government itself; for instance, take the fuel test. I saw the plant at St. Louis erected during my term as State commissioner. I understand the Government contributed $50,000 toward its erection, and from other sources $100,000 was added. The railroad companies were so impressed with the value of these experiments that they have hauled cars of fuel without charge. This is especially true of the southern and western railroads. In this connection, I want to read a report made to the President of the United States on the 6th day of June, 1906.

TO THE PRESIDENT: The executive committee of the advisory board on fuels and structural materials, recently appointed by you, respectfully ask your attention to the following facts brought out in connection with the inquiry made at the request of this board.

I omit all not bearing on the tests of fuel and structural materials.

* * * * * * *

When it is remembered that the yearly losses from fire in the United States aggregate $2.50 per capita, as compared with 33 cents per capita in European countries; that the fire losses in the United States during the past ten years have aggregated not less than $1,250,000,000; that the people expend annually in building and construction work $1,000,000,000, and that this Government itself expends annually for such purposes more than $20,000,000, it is apparent that this whole subject deserves the most serious consideration by the Government.

This committee furthermore begs to express the opinion that a thorough investigation of the properties of the materials of construction and fireproofing, and the resulting increased economies in our systems of construction, may be expected to save annually from 5 to more than 10 per cent of these total expenditures, which would mean an annual saving to the Government alone on its present expenditures of from one to two million dollars and to the people of this country a saving of many millions each year.

* * * * * * *

Very respectfully,

O. H. ERNST, *Corps of Engineers, U. S. Army, Isthmian Canal Commission,*
JAMES K. TAYLOR, *Supervising Architect,*
ROBERT W. HUNT, *Chicago, Ill., President American Institute Mining Engineers,*
CHARLES A. HEXAMER, *Philadelphia, Chairman Board of Experts, National Fire Underwriters' Association,*
HENRY G. STOTT, *New York, Interboro Rapid Transit Company, Executive Committee National Advisory Board for Fuels and Structural Materials.*

After a full investigation it was at once discovered that a fair grade of fuel gas could be obtained from certain lignites which had no great value previously. The importance of this to the Government is at once seen when we consider not only the more convenient location of many fuels to the points where their use by the United States is required, but a greater value arises from the results of the use of the fuel gas itself. Naval experts were at the same time testing coal, and, by the way, that was picked coal from the mines, while the Government test was of coal where the man was sent to the mines and took cars of coal as they ran from the mine, and those cars were under supervision until they arrived at the point where the coal was tested; and therefore it is a disinterested test and a fair test of the coal from that mine. Now, the naval experts were at the same time testing coal, and obtained 2.2 pounds of coal per hour per horsepower. The fuel gas obtained the same result from 0.87 pound. Not only is this saving extremely valuable, but the saving in space required for fuel on a war ship is of even much greater value in the present overcrowded condition of our naval vessels.

Take another instance, the cement test: It has been found from them that by making certain combinations of rock and slate and burning them in a peculiar manner rock hitherto supposed to be unavailable can now be made into cement equal to the Portland brand, and I have been told personally by a Government official this knowledge will save $1,000,000 per annum on Government buildings under construction.

The tests for reenforced concrete are of extreme value, not only for the construction of public buildings, but for the erec-

tion of many of the Government dams designed for the Reclamation Service on the line of the Panama Canal.

As to the mineral resources, I would like to read a few statistics.

In 1901, when the appropriation for mineral resources was placed for the first time at $50,000, the total value of the mineral production of the United States was a little over $1,086,000,000. During the last five years there has been a most remarkable development in nearly all branches of the mining industry, and according to the returns of the Geological Survey for 1905 the production for that year will exceed that of 1901 by over 50 per cent.

The history of the coal production alone is one of great interest. It is necessary to keep in touch with developments in the mining interest by correspondence, and so all these matters are utilized for the benefit of the country at large.

Under the rules it is impossible to more than indicate these matters and let the thoughtful mind carry them forward to a legitimate conclusion, but in general I want to beg of this House to view the question of appropriations for the Survey from the standpoint of the American citizen—nonpartisan, nonpolitical—and resist firmly any attempt to stifle the acquiring and distribution of knowledge, for this I consider to be not only the legitimate function of the Government, but one of its highest and most valuable functions.

In that connection I want to say that reading from the reports of the Panama Canal the other day I found that in determining the seepage through the dam at Gatun the engineer, Mr. Stearns, a week ago Sunday, in his testimony before the Canal Commission, and others, made the statement that what they relied on principally to determine the seepage in compressed earth were the experiments made by the Geological Survey, as he knew them to be thoroughly reliable. Give, then, our patient and self-sacrificing scientists an opportunity to complete their arduous tasks by restoring their appropriation to its full amount, and not only will they rise up and call you blessed, but the country at large will join with them, and the knowledge that a Member of Congress voted to continue these investigations will be a first-class campaign document this fall, and the result will be that the complexion of the next Congress will be very similar to the one that I now see around me.

Mr. BENNET of New York. Mr. Chairman, I would like to ask the gentleman if this gauging of streams is carried on in connection with the question of water-storage problem?

Mr. WILEY of New Jersey. I should judge it had its bearing on it if they were storing water from that particular stream. In New York State at present they are going to build a large dam in the Catskills to get water.

Mr. BUTLER of Pennsylvania. The city of New York?

Mr. WILEY of New Jersey. The city of New York.

Mr. Chairman, in this connection I desire to call attention to several letters that I have, which, with the permission of the House, I will insert in the RECORD. When this matter was brought up I wrote to prominent men around the United States and asked them for an expression of their opinion, and I append herewith the letters which I have received in reply to the letters which I sent out. They are as follows:

YORK, PA., *June 9, 1906.*

Hon. W. H. WILEY,
Member House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry of the 26th ultimo, which unfortunately did not reach me until now, as I am located temporarily down here at York, Pa., I will say that I trust the investigation which the Department of the United States Geological Survey has made regarding fuels, and which has been conducted at St. Louis during the past two years, may be continued still further. I consider it one of the most important subjects and one of the greatest possible value to all the industries of this country.

The work, as far as it has progressed, is well and conscientiously done, and is of an inestimable value; but I am assured that it could be still further pursued and still greater advantages obtained. No private individual and no association of engineers could have the facilities, the time, or afford the expense of arriving at a thoroughly scientific data on this subject. I have studied with immense benefit the work which has been accomplished, and I trust, as stated above, that this work will be continued.

I am, very respectfully, yours, CHARLES EKSTRAND,
Mechanical and Electrical Engineer.

RICKETTS & BANKS,
CHEMISTS, ASSAYERS, AND MINING ENGINEERS,
New York, May 29, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry I would say that I have followed the work of the United States Geological Survey coal-testing plant at St. Louis with much interest. The care with which the equipment has been selected and the precautions taken to insure uniform conditions in all comparative tests have been very gratifying.

Many tests of coal have been made in the past by various operators, and some of the published records are of considerable interest and value; but the data available are scattered and incomplete. Many of the tests have been made under unfavorable conditions and many others under conditions not fully set forth, so that the results are for the greater part inconclusive and not comparable. Often they are unreliable. Faulty samples, the use of inadequate or not properly calibrated apparatus, and in many cases lack of experience of the investigator have combined to introduce factors of uncertainty, which render the reported results often unsatisfactory and unsuitable for use as a basis for close comparisons.

I doubt if there is to-day a thoroughly equipped fuel-testing plant in this country outside of the Government's plant at St. Louis. The cost of providing and maintaining such a plant is too great to be undertaken by private capital. The need of it has been sorely felt by engineers and all interested in the vast field of fuel utilization. Although the plant at St. Louis has already done some excellent work, much still remains to be accomplished. It would be an inestimable loss to engineers and the people at large if a work so favorably begun should not be carried to completion. The Survey now has a corps of trained operators and an equipment carefully standardized. The amount of money required to continue and complete the work is a trifle in comparison with the value of the data to be obtained. Let us hope that we may realize all that the opportunity presented affords, and that Congress may make a liberal provision to carry on the work to a successful completion.

Yours, very truly, JOHN H. BANKS.

SYRACUSE, N. Y., *March 21, 1906.*

Hon. M. E. DRISCOLL,
Congressman Twenty-ninth district, State of New York, Washington, D. C.

MY DEAR CONGRESSMAN: I am in receipt of Senate Document No. 214, subject, "Fuels and structural materials," being a letter from the Secretary of the Interior to the President of the United States, "transmitting a copy of a letter from the Director of the Geological Survey embodying a summary of the results obtained in the investigations under the survey of fuels and structural materials at the testing plants at St. Louis, etc., pursuant to Senate resolution No. 68," regarding which I wish to ask your kindest attention to the recommendations of Director Charles D. Walcott. It would be impossible for anyone to overestimate the value which continued investigation upon the lines recommended would mean to this nation. The work is wholly industrial as well as thoroughly scientific in character. The results obtained are of instant application to everyone—workmen and owners alike—connected or interested in mines and manufactures.

I can not take either your time or mine to go into details further than to say that even industries as large as those I am connected with, with their able corps of chemists and other investigators, find it impossible to do all they would like to do in these suggested lines of investigation. The United States Government can best do this, and by freely publishing the results lend assistance to all interested.

A year ago, at this time, while in Washington during the mining engineers' convention, I visited the Government laboratories, and there learned many lessons as to the very great importance of the investigations being carried on. Therefore, with all the earnestness of which I am capable, I would ask you to make this subject one of serious interest, and if convinced of the truth and force of my statements, do all you possibly can toward obtaining the appropriation which will continue this important work.

I would be grateful to you, if you think it proper, to have you forward to our Senators copies of this communication, or to anyone else concerned.

With best wishes, and a hearty "thank you" in advance, I remain,
Yours, sincerely,

J. WM. SMITH,
Assistant General Manager the Solvay Process Company.

Heartily approved.

W. B. COGSWELL,
Vice-President and Managing Director.

GENERAL ELECTRIC COMPANY,
Schenectady, N. Y., June 2, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In regard to your inquiry in relation to the practical value of the investigation of fuels begun at the St. Louis Exposition, writer feels that there is a great deal to be learned by an investigation carried on to the extent possible by the Government. There is a great deal of valuable fuel burned without proper economy, largely through ignorance in regard to the best way to burn it. The more knowledge we have on this subject the better.

Yours, very truly, A. S. MANN.

SYRACUSE, N. Y., *June 4, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your letter of May 26 relative to the continuing of the investigation of fuels, as conducted under the Geological Survey at the St. Louis Exposition during the past two years, I would say that I think it is most important that this work be carried on. I would also like to add that the information obtained from such investigations should be gotten into the hands of the public as soon thereafter as is possible in order to make such investigations as useful and practical as possible.

Yours, very truly,

ABRAM S. BALDWIN,
Assistant Manager Soda Ash Department,
The Solvay Process Company.

NEW YORK, *June 2, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR WILEY: I feel impelled to write to you as to the very great value I attach to the investigations of fuels which have been going on under the Geological Survey at St. Louis, and how greatly they ought to profit the industries of this country. You are already so familiar with the general merits of the case that it is needless for me to enter into an argument, but so far as I have noticed there is a general feeling that this work is of very great public usefulness.

Yours, very truly,

HENRY M. HOWE.

FRANK KLEPETKO, CONSULTING ENGINEER,
New York, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: We wish to express our approval and our appreciation of the importance of continuing the investigation of fuels which has been conducted under the Geological Survey at St. Louis during the past two years. We have looked over the copies of reports which have been sent us with a great deal of interest, and as soon as we have time will go into them very much more in detail.

Trusting that you will be able to continue this excellent work, we are,

Yours, very truly,

FRANK KLEPETKO,
By C. V. DREW.

KAATERSKILL PAVING BRICK COMPANY,
Catskill, N. Y., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry in regard to the importance of continuing the investigation of fuels, which has been conducted under the Geological Survey at St. Louis during the past two years, I wish to say that I think this work will prove of very great practical value to manufacturers and others, as these tests can be relied upon, and any person wanting a certain fuel for a given purpose can at once select that fuel and know just what it will do without having to go through expensive and laborious experiments.

I am thoroughly convinced that if this is conducted in the proper manner that it will prove of vast importance to consumers.

Very respectfully, yours,

S. H. BROCKUMER, *Mining Engineer.*

PHILADELPHIA, PA., *May 28, 1906.*

Hon. WM. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: Answering your inquiry as to the importance of continuing the investigation of fuels which has been conducted under the Geological Survey of St. Louis during the past two years: I look upon this investigation as one of the most important, particularly to the manufacturing industries of the United States, that has been undertaken for many years in our country. The facts already brought out as to the best way to use the coal produced in different sections of our country will be invaluable in helping each section to use the apparatus best suited to its particular type of coal, and will also enable manufacturers to definitely decide that they can profitably build factories in certain parts of the country where in the past the question of suitable fuel has been looked upon as an almost insurmountable obstacle.

I should very strongly urge you and your friends in Congress to advocate a liberal appropriation for this purpose.

Yours, sincerely,

FRED W. TAYLOR,
President American Society Mechanical Engineers.

SIBLEY COLLEGE, CORNELL UNIVERSITY,
Ithaca, N. Y., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: This letter is in response to your inquiry asking for my opinion of the work under the Geological Survey at the coal-testing plant in St. Louis.

I have received the reports of this work, and have examined them with some care, and they surely are a distinct contribution to the data available to the mechanical engineers of this country. The value of these investigations seems to me so great that I sincerely hope appropriations may be made which warrant their continuance.

Yours, respectfully,

ALBERT W. SMITH.

PENNSYLVANIA COAL AND COKE COMPANY,
OFFICE OF THE PRESIDENT,
Philadelphia, Pa., May 29, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry, I beg to say that, in my opinion, a continuance of the fuel investigation which has been conducted under the Geological Survey at St. Louis during the past two years is very desirable, not only from the standpoint of the producer, but from that of the consumer also, in that it gives absolutely reliable data as to the quality of the various coals of the country and their adaptability for specific purposes. This information is not at present available, and by reason of its great cost is not obtainable by the average individual or company.

Hoping that the appropriation for carrying on this important work will be made upon a liberal basis, I beg to remain,

Very truly, yours,

W. A. LATHROP, *President.*

G. E. ALKINS, COAL AND COKE,
Chicago, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR SIR: In response to your inquiry, I desire to say that the information furnished manufacturers and other large consumers of coal through the medium of the experiments conducted under the Geological Survey at St. Louis, Mo., is of very great value. Owing to the vast variety of coals produced in this country and the variations in their value, consumers have been at a loss frequently for proper units of value from which to calculate the relative efficiency of fuels offered for sale in the markets of the several States.

Large varieties of coal are transported to central points of distribution, and frequently they represent the products of several States. For example, Chicago, Ill., receives shipments from Pennsylvania, Maryland, the Virginias, Ohio, Indiana, Kentucky, and Tennessee, besides the product of the mines of Illinois. Each of these States contains within its boundary numerous varieties of coal, all of which vary in value at the mine, and many of which carry variations in freights. The work of the fuel-testing plant at St. Louis has covered a wide field, and much remains to be accomplished. In fact, the field for work is practically inexhaustible, and it is of the utmost importance that these investigations be continued for a long time in the future if, indeed, the fuel-testing plant should not be permanently continued under the direction of the Survey.

Yours, very respectfully,

G. E. ALKINS.

THE PENNSYLVANIA STATE COLLEGE,
DEPARTMENT OF MINES AND MINING,
State College, Pa., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your request, I would state that the industrial life and prosperity of any nation must depend upon its husbanding its resources and using them in the most economical way possible. This has been well shown in this country by the rapid destruction of our timber, and in England by the gradual exhaustion of its iron ores and coal.

Anything that can be done to enable our coal resources to be used economically, to save the fine coal which is at the present time largely wasted, and to employ materials now considered of but little value for the production of gas, are subjects that are intimately interwoven with the future prosperity of this nation.

I feel that the testing plant of the Geological Survey has already done much in this direction, but the work needs to be continued, as far more valuable results ought and can be obtained if it is properly sustained.

I hope everything that the Government can consistently do will be done in developing the lines of research inaugurated in 1904.

Very respectfully, yours,

M. EDWARD WADSWORTH.

SYRACUSE, N. Y., *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR SIR: Replying to your inquiry of May 26, I am glad to express my approval of the work done by the Geological Survey at St. Louis during the past two years in the investigation of fuels.

The growth of the by-product coke-oven plants in the United States during the past ten years, and the certain very rapid increase of these plants, makes it very important that the country be well informed as to the quality of the different fuels available for all purposes.

The steel industry has been blessed with Connellsville coal, which has enabled a good metallurgical coke to be made with very simple means. The exhaustion of this deposit is very near, and we must turn to other fields, where coals, which will not make metallurgical coke in the ordinary beehive oven, require by-product ovens, which will make good coke.

The production of power by means of gas engines from producer gas is very rapidly coming forward, and the producer is still a crude apparatus, susceptible of very many improvements, which will make it a continuous automatic machine, capable of handling almost any kind of coal—some coals are much better adapted than others for this purpose—and especially in the recovery of by-products, both in the coke-oven and producer industries, it is important that the country has carefully made tests and records of the qualities of the different fuels.

While a great deal of work has been done by private companies and individuals in this direction, the results have not been widely published, and I believe it would be of great benefit to the country at large to have an investigation completed in an authoritative way by the Geological Survey. I think the plant for these investigations should be increased to include the very best up-to-date apparatus and instruments and placed under the control of the best experts the Government can obtain.

It is of great importance to the agricultural community, as well as to the country at large, that the criminal waste of the by-products of coal, which has been going on for centuries, be stopped, and the ammonia and tar products be utilized for fertilizers and the countless by-products which are so important to our industries.

It certainly is the function of the Government to educate the manufacturers in the saving of these by-products, and the agriculturists and textile industries in the use of them. A preliminary step in this education is the obtaining of important information as to the fuels from which these by-products will come.

I am heartily in favor of an extension of the good work, and remain,

Very respectfully, yours,

EDW. N. TRUMP,
General Manager and Chief Engineer the Solvay Process Co.
Vice-President and Consulting Engineer Semet-Solvay Co.

CHAMBER OF COMMERCE OF PITTSBURG,
Pittsburg, Pa., June 1, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In accordance with your request of the 26th ultimo, asking for a letter expressing approval of the continued investigations of fuels, etc., by the Geological Survey Bureau, I inclose herewith a copy of resolutions adopted by the board of directors of the Chamber of Commerce of Pittsburg, May 31, 1906.

Yours, very truly,

LOGAN MCKEE,
Secretary.

[Chamber of commerce. United States testing laboratory.]

Whereas an act is now pending in Congress providing for an appropriation of $350,000, the amount estimated and recommended by the Secretary of the Interior as necessary to carry on the investigations of the Geological Survey Bureau of fuels and structural materials at testing plants at present located at St. Louis; and

Whereas the board of directors of the chamber of commerce believe that such investigation should be continued and would be of inestimable value to the manufacturing interests of the country; and

Whereas the chamber of commerce of the city of Pittsburg is convinced that the ideal location for testing laboratories and investigations of this character is the city of Pittsburg, or its immediate vicinity, being the largest producer of fuel and structural materials in the world: Therefore, be it

Resolved, That this board of directors of the chamber of commerce of the city of Pittsburg requests the Senators and the Representatives from the Pittsburg district, and those Senators and Representatives from adjoining cities and counties to favor the passage of the act carrying such appropriation as may be considered sufficient, provided

that the location of these laboratories be left open until the claims of the Pittsburg district can be brought before the Director of the Geological Survey.

EDWARD V. D'INVILLIERS,
GEOLOGIST AND MINING ENGINEER,
Philadelphia, Pa., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR MAJOR WILEY: With reference to the fuel tests which have been conducted ever since the Louisiana Purchase Exposition at St. Louis by the Geological Survey, it gives me great pleasure to say that I think the continuance of this work is of the highest importance, not only to those who are engaged solely in professional work, like myself, but principally to the country at large, and the coal industry specifically.

Many of us may differ from time to time as to methods for compiling facts and deducing conclusions, but, nevertheless, there is a proper and well-founded belief that the methods pursued by the United States Geological Survey are at least free from any criticism as to favoritism or bias, and form the only possible standard for safe comparison, which an investigation of this kind demands.

I would therefore urge an enlargement of their appropriation and their means for carrying forward these investigations to a more finite and definite degree than has heretofore been possible, and I believe that the results which shall be derived therefrom will be regarded, within and without the United States, with more respect and confidence than would be secured by any other similar investigation.

Trusting that you may be in a position to still further aid this project, which I am sure you will feel has already given evidence of vigorous and lasting results of value, I am,

Very respectfully, yours,

E. V. D'INVILLIERS.

GEORGE W. HARRIS, MINING ENGINEER,
Beckley, W. Va., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: I have your kind inquiry as to my opinion relative to the importance of continuing the investigation of fuels, which has been conducted under the United States Geological Survey at their testing plant at St. Louis. I gladly avail myself of the privilege of expressing my views to you on a matter which I trust is only the initial step of such investigations. I particularly appreciate the splendid work commenced by those connected with the St. Louis experiment station, and would greatly regret its discontinuance.

Many new coal fields are being opened to-day, and reliable information about the coals of this country is in greater and greater demand, as regards their steaming, coking, and briquetting qualities.

Much has been written about the advantage of experiment stations, in which matters of the utmost importance to the mining interests could receive attention similar to the work carried on by the national and State agricultural institutions. Great Britain and the important mining continental countries have maintained for years experiment stations, which have made most important contributions to mining knowledge, while the United States, the world's largest producer of fuel, has, with the exception of the St. Louis plant, no establishment for experimental work.

I sincerely trust that the investigation of fuels may not only be continued, but that the scope of the St. Louis plant may be enlarged. Many mining problems await solution, and as a most timely illustration, I would respectfully call your attention to the numerous coal-mine explosions that have occurred in the United States within the last few years, and most recently the loss of life from that cause in West Virginia. Foreign countries have conducted experiments along the line of coal-dust explosions, among others, but further research seems to be necessary.

Thanking you for giving me this opportunity of communicating with you on this matter, I beg to remain,

Respectfully, yours,

GEO. W. HARRIS.

GEOLOGIC AND TOPOGRAPHIC SURVEY,
COMMISSION OF PENNSYLVANIA,
Harrisburg, Pa., May 28, 1906.

The Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your request for an expression of opinion from me as to the importance of continuing the investigation of fuels, which has been conducted under the Geological Survey at St. Louis during the past two years, I can only say that I regard this work as among the most important conducted by the Government. The results already obtained have been extremely interesting and of great economic value to the fuel industry and manufacturing interest of the entire country; and the benefits to be derived are not confined to those States which are producers of coal. While it is true that we have large coal resources in this country, it is equally true that, at the present rate of consumption, these must soon become exhausted; and therefore the proper use of the fuel, so as to obtain its full power efficiency, should be ascertained as speedily as possible, and in no way can this be done except under the auspices of the United States Government. Our Government itself should have much interest in the matter, and especially in connection with the Navy Department. I sincerely hope that the recommendations of the Director of the United States Geological Survey will meet with that hearty response from the Members of Congress which the importance of the work so well justifies.

I have understood that should the testing plant now located at St. Louis, be moved to Pennsylvania—and Pittsburg seems to be the logical place for its location—Mr. Carnegie stands ready to contribute a large sum of money for its proper installation there. I can well commend the recommendations of the Director of the Survey to your favorable consideration.

Very truly, yours, ANDREW S. MCCREATH, *Commissioner.*

WILKES-BARRE, *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: In response to your request of the 26th instant, asking my opinion of the importance of continuing the investigation of fuels which has been conducted under the Geological Survey at St. Louis during the past two years, permit me to express my thorough appreciation of the excellent work thus far done and to hope that the investigations will not only be continued, but extended to include more thoroughly both the eastern bituminous and anthracite regions.

There is great need for authoritative data in regard to coal which this investigation is admirably supplying, and I sincerely hope that there can be no question of Congress appropriating the necessary funds for its continuance.

Yours, very truly, R. V. NORRIS, *Consulting Engineer.*

AMERICAN LOCOMOTIVE COMPANY,
Richmond, Va., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

SIR: In reply to your inquiry in regard to the value of the investigation of the relative heat values of coal of the United States, together with the investigation of structural material, I wish to say that data of this kind is of inestimable value to the users of coal and structural material.

Owing to the lack of data as to the relative heating value of different coals, users are entirely dependent on statements of the mines, without individual investigations, which in nearly all cases is impracticable, and consequently a great deal of money is lost by using fuel not adapted for the individual requirements.

The reports gotten out by the United States Geological Survey, in their Professional Paper No. 48, supplies a great deal of valuable information of this character, and it will be of material assistance not only in engineering circles, but to all engaged in manufacturing industries, if this work is extended and completed.

I trust that the Government will be able to see the importance of the work undertaken, and provide sufficient funds to carry it out in the way that it should be finished, as it would be an appropriation from which the country would derive a direct benefit.

Yours, truly,

V. Z. CRAVAREISTI, *Shop Engineer.*

PHILADELPHIA, *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: I trespass upon your time most briefly and only to express the sincere hope that the investigation of fuels under the United States Geological Survey at St. Louis may be continued.

To the country at large the results of this research work should be of immense value.

Yours, very truly, WM. G. NEILSON.

BEECH CREEK COAL AND COKE COMPANY,
Patton, Cambria County, Pa., May 28, 1906.

Hon. W. H. WILEY, *Washington, D. C.*

DEAR SIR: In reference to the question of the investigations of fuels which have been conducted under the Geological Survey at St. Louis during the past two years, we learn that the matter of continuing these investigations is in question.

We certainly believe that these investigations should be continued by all means. The use of fuel is receiving more attention than ever before, and scientific research and investigation has done much in this line as well as other lines that concern practical economic results.

Yours, very truly,

E. C. BROWN, *Superintendent.*

NEW YORK, *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry of the 26th instant, I take pleasure in saying that I have recently examined the final reports (Professional Paper No. 48) "on fuel investigations during 1904, as a result of a survey of fuels and structural materials, at the testing plant at St. Louis," sufficiently to be impressed by the accomplishments of this testing plant, and am consequently prompted to express the hope, as an interested engineer—a member of the American Society of Mechanical Engineers—that the Senate may act in a way to insure the continuance of these valuable investigations indefinitely.

In my judgment, any appropriation which the Senate may feel disposed to make to this end will be spent to an inestimable advantage.

Very respectfully,

W. W. NICHOLS.

COLONIAL IRON COMPANY,
Riddlesburg, Pa., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your inquiry, I beg to state that the investigation of fuels conducted under the direction of the United States Geological Survey at St. Louis during the last two years promises to be of very great value not only to the producer, but also to the consumer of coal and coke. The work already performed has been of considerable value, and it will be a great pity if it should cease.

Only such test can be carried on authoritatively by the Government. There is no private laboratory in existence where such tests can be made, nor would it pay for private parties to establish a plant of this kind; it is too expensive to erect, and requires men of long experience to operate it.

It is a work that the Government can only conduct, and the information and discoveries it will make leading to economy in many directions will add to the material wealth of the country.

Yours, respectfully,

WM. LAUDER, *General Manager.*

JOHNSTOWN, PA., *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: As you request an unbiased and independent opinion as to the value and importance of continuing the investigation of fuels, which have been conducted under the Geological Survey at St. Louis during the past two years:

I am deeply interested in this work from the fact of its comprehensive usefulness. It is designed to embrace the scientific and economic study of the several varieties of coals in the United States, exhibiting

their relative values for generating steam and for the manufacture of coke.

Only the United States can do this work. It alone can assemble trained scientists to do this testing of coal in an impartial way that will assure general acceptance from the producers and users of coal and its products.

Some isolated determinations have been made by companies and individuals, but these do not command the absolute confidence that the results of the St. Louis coal-testing plant will assure.

With the great expansion of the use of coal—in 1905 364,332,640 net tons—it becomes a matter of the utmost industrial importance to diffuse the knowledge of the adaptability of the several qualities of coal for steam making and for the manufacture of coke and its by-products—ammonia sulphate and tar.

The study of coals for the manufacture of coke is of vital importance from the fact of its rapid expansion and the exhaustion of the fields producing the best coals for coking without preparation by crushing and washing.

We are now in a period in this great manufacture when the several processes for the preparation of the secondary qualities of coal for the production of metallurgical coke is earnestly needed.

During 1904 22,035,292 net tons of coke were produced, requiring 35,256,467 net tons of coal. The years 1905 and 1906 will show a very large expansion of this industry.

The briquetting of coal screenings and of the large fields of lignites will be a most helpful study for this testing plant at St. Louis, and will be largely looked for by the coal producers in the East, and especially in the West.

I feel assured that this testing work is most valuable, as it covers the very genesis of our manufactures in the proper uses of the several varieties of coals, with determinations of the special coals that are adapted for the manufacture of coke.

With the experience already secured at the St. Louis testing plant during the two years of its valuable work, with its well-developed system of testing, it would be a great national loss to have it interrupted until its great industrial mission has been accomplished.

Very truly, yours,

JNO. FULTON, *Mining Geologist.*

E. R. CHAPMAN & CO., BANKERS AND BROKERS,
New York, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: As a coal producer, it seems to me important that the investigation of fuels, now being conducted by the Geological Survey at St. Louis, should be continued, and I trust you will favor legislation to this end. It seems to me that it is a matter of importance to all interests consuming coal, that chemical properties of the different coals produced in the United States should be absolutely settled and determined, particularly as the different coals vary so much in their efficiency.

I shall be glad at all times to do what I can to aid in securing the desired legislation.

Very truly, yours,

E. R. CHAPMAN.

EDITORIAL ROOMS, THE ENGINEERING MAGAZINE,
New York, May 28, 1906.

Hon. WM. H. WILEY, M. C.,
Washington, D. C.

DEAR MR. WILEY: I am writing to you, not only in my own behalf, but in consequence of the opportunity which I have had as editor of the Engineering Magazine of sounding the opinion of the engineering profession in general regarding the great importance to the industries of the United States of the continuance of the work of the fuel-testing board of the Geological Survey so auspiciously commenced at the St. Louis Exposition.

There is no doubt that it would be a national misfortune if anything should occur to prevent the continuance of this important work, while there is no doubt that its completion will add greatly to the wealth of the country by demonstrating the commercial value of fuel deposits hitherto neglected. Already I have had inquiries from abroad regarding the practical developments of the use of lignites and brown coals for the generation of fuel gas, and there is every reason to believe that further developments in these and other valuable results will be extended by the continuance of the work of the board.

It would be a great mistake to cut short in this partially completed condition this investigation already hailed by the engineers of the country with so much satisfaction, and I trust that you will use every effort in your power to have the board continued and the necessary appropriations liberally made.

I am sending you, under another cover, a marked copy of the April issue of the Engineering Magazine, in which reference is made to this subject.

Yours, very truly,

HENRY HARRISON SUPLEE, *Editor.*

THE UNITED COKE AND GAS COMPANY,
New York City, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your inquiry, would say we sincerely hope that you can see a way clear to continue the investigations of fuels during the coming year at the St. Louis laboratory. It is scarcely necessary to speak of the advantage of a complete knowledge of our own fuels. The report as far as completed is of great value to us as well as to any other users of coal and its products.

Yours, very truly,

THE UNITED COKE AND GAS COMPANY.
D. F. SCHNEIWIND, *Vice-President.*

MECKLENBURG IRON WORKS,
Charlotte, N. C., May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your inquiry about the importance of continuing the investigations of fuel, begun at St. Louis under the direction of the Geological Survey, there can be, in my opinion, no doubt about its importance. The results there obtained are already of service to those using coal in manufacturing. As they become known and are carried to an end, will be of more service and be more valued. Hoping that the appropriation for this work will be continued and increased, I am,

Yours, sincerely and respectfully,

JNO. WILKES.

WASHINGTON, D. C., *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives.

MY DEAR MR. WILEY: In reply to your inquiry, I beg to say that the continuance of the fuel investigations by the United States Geological Survey should be of great importance to our people. No one will deny the value of such investigations when properly carried out, while the record of what has already been accomplished by the Survey in this direction shows how well it has been done. Granting all this, is the Government justified in continuing such work?

As you know, I am strongly opposed to the Government undertaking any work which can be done by private enterprise. Private fuel-testing plants already exist, and any coal operator can have his product tested. A testing plant supported by public money should not be permitted to compete with such private work, but what it should and can do is something very different.

"Good wine needs no bush;" prime coal needs no public assistance to demonstrate its qualities. Now, while many sections of our country are blessed with abundant supplies of excellent fuel, the greater part have no other local resources but inferior coals, lignites, or even peats. It is perfectly well known that by proper treatment these inferior fuels can, in the vast majority of cases, be rendered highly efficient, but this knowledge is of little value to the public unless it can be shown that the investigations in any given case give promise of commercial success. To do this requires that the work be done on a scale that no private enterprise would be justified in undertaking. For example, the lignite of a western district, now of little value, might by suitable treatment be made a valuable smelting material, but nobody is sufficiently interested in it to expend the money required to prove this. Peat also can be made far more valuable than most people think, but again there is not enough prospect of private profit.

Of course it must be understood that the work is to be confined to the investigation of the fuel resources of large areas; that it is only to blaze the way and to indicate the direction for profitable individual effort, and that then the Government should cease its action. Congress must determine the advisability of expending public money in this direction, but I feel sure that if the work is properly administered and confined to its legitimate limits the returns will amply justify the expenditure.

Very truly, yours,

THOMAS M. CHATARD.

HENRY S. FLEMING, CONSULTING ENGINEER,
New York, May 28, 1906.

Hon. W. H. WILEY,
House of Representatives, Washington, D. C.

DEAR SIR: With reference to the importance of continuing the investigation of fuels and carrying out the proposed investigation of all structural materials, I beg to inclose herewith a copy of a letter which I sent Mr. Walcott, acknowledging the published tests of fuel thus far made and which expresses my opinion of the value of the tests. If there is any way in which I could emphasize what I have said I would like to do so. I have been fortunate enough to receive from the Government very many of its publications and find them all most valuable in my work, and of all of them these fuel tests have a more practical and direct value than any. I heartily hope it may be possible to continue them.

Believe me, sincerely, yours,

H. S. FLEMING.

NEW YORK, *April 6, 1906.*

CHARLES D. WALCOTT,
Director United States Geological Survey, Washington, D. C.

DEAR SIR: I beg to acknowledge the receipt of Professional Paper No. 48, parts 1, 2, and 3, for which I thank you heartily. The work which has been done and is recorded in these papers is of the utmost value to every engineer, and, I think, of equal value to all who are engaged in any industry in which coal is used. You have carried out a work which no private individual could have done satisfactorily because both of its extent and that if such work was undertaken by an individual it could not have equal reference value, because whether or not there had been a preference shown for any coal or sample of coal the inclination would be to believe there had, and thus throw a shadow over the results given.

I so heartily appreciate the exceeding value of the data presented in these reports that I am at a loss to know how to express my acknowledgments and my earnest hope is that nothing may be allowed to interfere with the plans of your department for carrying out tests of structural materials. It is impossible for a layman to understand how essential it is for an engineer to have reference data covering every class of material and made by unbiased investigators. Without it we are compelled to rely largely on tests published in the transactions of the various societies, which have not the scope of yours.

I do not know of anything which is a more important aid to the industrial development of this country than the work your department is doing, and it is my earnest hope nothing may be allowed to interfere with your progress in these directions.

Believe me, sincerely, yours,

———— ————.

SYRACUSE, N. Y., *May 28, 1906.*

Hon. W. H. WILEY,
House of Representatives, Washington D. C.

DEAR SIR: At your request for the writer's opinion regarding the importance of continuing the investigation of fuels, which has been conducted under the Geological Survey at St. Louis during the past two years, I gladly respond, and would ask you to accept—as fully stating my views—a copy of my letter to our Congressman, Hon. M. E. DRISCOLL. I would like to add that since writing that letter to Congressman DRISCOLL and one also to Congressman DENBY (of Michigan), as well as bringing the same to the attention of Senators PLATT and DEPEW, I have conversed with a number of gentlemen who are deeply interested in mines and manufactures, and gathered from the conversations that all were unanimous in their opinion as to its being one

of the best investments the United States Government could make at this time.

Trusting the inclosure will serve the purpose intended, I beg to remain,

Yours, respectfully, J. WM. SMITH,
Assistant General Manager the Solvay Process Company.

Heartily approved.

W. B. COGSWELL,
Vice-President and Managing Director.

Extracts from letters of prominent engineers and others.

No investigations have been undertaken in recent years by the Government that have such immediate and striking importance and bearing on the proper utilization of raw materials as the fuel tests now being conducted at St. Louis.

R. N. DICKMAN,
Dickman & Mackenzie, Mining Engineers, Assayers, Chemists, and Metallurgists, Chicago, Ill.

We are most emphatically in favor of the appropriation. There is very meager information available concerning the values of the various fuels, except what can be learned from the producers, and the great variance in the tests, which are often made with incomplete facilities, have rendered same uncertain and unreliable. We hope the work will be allowed to progress, as the increasing knowledge of the values and uses of our fuels is adding greatly to the wealth of the country.

JAMES W. ELLSWORTH & CO.,
Cleveland, Ohio.

The investigation of fuels and structural materials by the Government have called forth a widespread interest among members of the American Society of Mechanical Engineers, and I am sure that they are of very great importance to the country.

F. W. TAYLOR,
President American Society of Mechanical Engineers, Philadelphia, Pa.

I consider this a very valuable work which should be continued. It will be of the utmost importance to the country generally.

KARL EILERS,
American Smelters Securities Company, Salt Lake City, Utah.

I trust you will at all times bear in mind our desire to render you any assistance in our power in connection with this most important work.

JAS. J. HILL,
President Great Northern Railway Company, St. Paul, Minn.

I can not too strongly emphasize the importance of the work. It should be of the greatest value not only to the metallurgical, but to all the other manufacturing and the transportation industries of the country who have these data as to fuels.

HENRY M. HOWE,
Professor, School of Mines, Columbian Univeristy, New York.
(The most eminent steel metallurgist in the United States.)

I am heartily in favor of the continuance of the investigations, and consider the work already done on the subject of fuels to be of the greatest value to engineers and manufacturers and to all interested in fuel economy.

WM. H. KAVANAUGH,
Assistant Professor Mechanical Engineering, University of Minnesota, Minneapolis, Minn.

I am greatly interested in the work that the United States Geological Survey has been doing at St. Louis during the past three years. I sincerely hope that the Congress now in session will see fit to not only enlarge the scope of the work, but will support the undertaking liberally in a financial way. The work already done is of great value.

S. W. BEYER,
Department of Geology and Mining Engineering, Iowa State College, Ames, Iowa.

This work of investigation of fuels and structural materials is valuable, and should by all means be continued.

W. A. LATHROP,
President Pennsylvania Coal and Coke Company, Philadelphia, Pa.

We believe it to be a very important matter that Congress should make the necessary appropriation to carry on the investigation of fuel and structural materials.

PICKANDS, MATHER & CO.,
Cleveland, Ohio.

As an architect, I desire to express my view as to the great importance and value of a thorough and systematic Government investigation of the strengths and other properties of building materials, and trust that Congress will not fail to make the modest appropriation asked for that purpose.

WM. G. OSGOOD,
Boston, Mass.

I deeply appreciate the importance of this work being continued, and it would be impossible for anyone to overestimate the value which continued investigation would mean to this nation.

J. WM. SMITH,
SEMET SOLVAY COMPANY,
Syracuse, N. Y.

I can not find terms strong enough to express my approval of this project. The wonder is that this work has not been done long ago and that it is not being done on a larger scale.

A. O. ELZNER,
Secretary Cincinnati Chapter, American Institute of Architects, Cincinnati, Ohio.

The continuance of these investigations ought to be provided for by Congress, and the appropriations estimated for the next fiscal year ought certainly to pass.

AMERICAN METAL COMPANY (LIMITED),
J. LANGELOTH, *President.*

I thoroughly believe that this work should be continued. It is of inestimable value to the coal-using industries of the country.

G. W. BISSELL,
Professor Mechanical Engineering, Iowa State College, Ames, Iowa.

I consider the work of vast importance to the commercial world and feel sure that it should, if possible, be continued.

NEW YORK EDISON COMPANY,
JAS. D. ANDREWS, *Chief Engineer,*
55 Duane Street, New York.

I believe these investigations will be of great benefit to the engineering fraternity of the country.

JOS. H. AMES,
Chief Engineer American Car and Foundry Company, Lincoln Trust Building, St. Louis, Mo.

The importance of this work from an economic standpoint can scarcely be estimated. It reaches into all departments of industry where the question of fuel and power enters. The investigation is in the right direction, and we trust it will be continued.

E. C. BROWN,
Superintendent Beach Creek Coal and Coke Company, Patton, Cambria County, Pa.

I regard the work done at the fuel-testing station as of the greatest possible value to all fuel users.

ALBERT A. CARY,
Member, A. S. M. E., etc., Mechanical Engineer, New York.

The work is of the greatest importance to the architectural profession, and I sincerely hope it may be continued.

F. W. CHANDLER,
Professor of Architecture, Massachusetts Institute of Technology, Boston, Mass.

This is an extremely valuable work, which can not fail to be of benefit to the entire country.

F. K. COPELAND,
President Sullivan Machinery Company, Chicago, Ill.

The tests are carefully made, and the results are invaluable and are accepted as standard.

S. E. FAIRCHILD, Jr.,
Fairchild & Gilchrist, Civil and Mining Engineers, Philadelphia, Pa.

Am greatly impressed with the value of this testing work, in its bearing on coals and cokes. This testing can be conducted only by the Government, with its qualified agents and ample resources.

JOHN FULTON,
Mining Geologist, Johnstown, Pa.

I hope the work will be continued and extended in its range. I can think of no more valuable and immediately useful service that the Survey could render the people of the United States than the continuance of this very successful work on fuels, etc.

R. D. GEORGE,
Professor of Geology, University of Colorado, Boulder, Colo.

I have not seen anything before in the nature of investigation which has been as thorough and complete as these investigations are.

W. P. HANCOCK,
Superintendent Generating Department, Edison Electric Illuminating Company of Boston, Boston, Mass.

I hope the investigations will be continued. The United States is the only prominent coal-producing country that has no adequate knowledge of the properties of its fuels. The classifications based upon European data do not fit the great variety of our coals. Single States have done sporadic work to meet a few local industrial demands, but the question as a whole can be solved only by the General Government.

H. O. HOFMAN,
Professor of Metallurgy, Massachusetts Institute of Technology, Boston, Mass.

The work of this department of the Geological Survey is of the greatest value to the engineers of the country, and I heartily recommend that the laboratories be continued with the fullest facilities.

ABRAM T. BALDWIN,
Syracuse, N. Y.

It is hoped that Congress may make the needed appropriations to continue these investigations.

RICKETTS & BANKS,
Per JOHN H. BANKS,
Ricketts & Banks, Chemists, Assayers and Mining Engineers, 104 John street, New York.

I am very much interested in this work and hope that liberal appropriations may be made for its continuance. The results will be of great interest to the country.

S. H. BROCKMEIR,
Mining Engineer for United States Brick Company, Catskill, N. Y.

Any investigation along lines that will teach economy in the value of fuels and structural materials, and especially any investigation of a local character, will undoubtedly prove of much benefit. Its economic importance can hardly be overestimated.

A. G. BROWNLEE,
President and General Manager Stanley Mines Company, Idaho Springs, Colo.

The question of comparative fuel values and the best methods of utilizing the different kinds of fuels is a matter of vital importance to everyone engaged in mining and the production and use of power, and the cost of such investigations is altogether too great to be borne by any one concern. Nor would the results receive the credence that would be given to results obtained under an independent national advisory board.

S. W. BRUNTON,
The Taylor & Brunton Ore Sampling Co., Salt Lake City, Utah; The Taylor & Brunton Sampling Co., Victor, Colo., etc.

I sincerely hope Congress will see fit to extend the appropriations to enable the work to be carried to completion. The results obtained will be of material advantage.

V. Z. CARARRISTI,
Shop Engineer, American Locomotive Works, Richmond, Va.

The work will be of very great value, particularly to all interests producing or consuming fuel. It seems to me there ought to be no question of the propriety of the extension of this work for the next fiscal year.

S. R. CHAPMAN,
President Chapman Iron, Coal, and Coke Co., 80 Broadway, New York.

The testing of fuels and structural materials is of great importance to both manufacturer and builder. The enormous waste through ignorance of material used can be largely overcome by a scientific knowledge of these matters. I add my word of enthusiastic support of this work.

W. M. CHAUVENET,
Regis Chauvenet & Bro., Mining Engineers, Analytical Chemists, etc., St. Louis, Mo.

Such investigations are of the highest utility to engineers having charge of industrial operations, and I hope that Congress may supply abundant funds for the prosecution of these tests. May I suggest that the extension of the fuel tests to the classification of crude oils for use in gas engines would yield very important results?

COURTENAY DE KALB,
Consulting Engineer, Exposed Treasure Mining Co., of Mojave, Cal. New York Office, 26 Liberty Street, New York.

I am strongly in favor of a continuance of the investigations, and hope Congress may provide for an enlargement of their scope.

HENRY S. FLEMING,
Consulting Engineer, New York.

I desire to commend in the highest possible terms the work that is being done in the investigation of fuels and structural materials at this testing plant at St. Louis, and hope its great importance may be fully realized and that it may be continued for the good of the whole country.

GRANBY MINING AND SMELTING COMPANY,
St. Louis, Mo.,
Per ELIAS S. GATCH, *President.*

It is hoped these investigations will be continued under competent engineers, those who are in position to give an unbiased opinion. Our country should have better facilities for obtaining a knowledge of the materials used in engineering work. The expense of conducting a testing laboratory by manufacturing establishments is a great one. The means placed at the command of the German manufacturers by which results may be obtained at a slight cost is adding much to the competition with which American engineers have to contend.

ALBERT F. HALL,
Member A. S. M. E., Associate Member Institute Civil Engineers, England; Member Society Engineers in Germany.

I consider the investigations which your Bureau is carrying on of the greatest value to engineers and the engineering industries.

J. H. HOFFMAN,
Hoffman Engineering and Construction Company, Philadelphia, Pa.

As a member of the American Society of Mechanical Engineers, I wish to express my interest in the work that is being done in the investigation of fuels. I hope the appropriation for the continuance of the work may be obtained.

MAURICE HOOPES,
Glens Falls, N. Y.

The work of the coal-testing plant is of vital interest to the Engineers' Club. It is the desire of our organization to further the operations of the plant and the extension of their scope, and it was in order that we might do so intelligently and in a manner to be of the greatest usefulness to the public and to the plant that we appointed a committee which we regard as representative of the highest ideals of the Engineers' Club.

W. A. LAYMAN,
President Engineers' Club of St. Louis, St. Louis, Mo.

The influence of the published reports on fuel testing has been great. Even in the clay industries, in which I am particularly interested, in which the waste of fuel is proportionately greater than in any other industry, and which is slowest to take up advanced ideas, the report has had its effect.

Gas producers were eagerly discussed at the recent conventions of the American Ceramic Society and the National Brick Makers' Association, and a number of plants are putting them in. I sincerely hope the work will be continued and extended as proposed.

ELLIS LOVEJOY,
Member American Ceramic Society, and of American Institute of Mining Engineers, Columbus, Ohio.

I trust that Congress will make liberal appropriations for the continuance of the investigations of fuels and structural materials, as this work is of the greatest importance to the country at large.

W. S. LYSLE, E. M.,
Rochester, N. Y.

I trust that the Survey may receive from Congress that recognition which the importance of the work well deserves.

ANDREW S. MCCREATH,
Commissioner.
ANDREW S. MCCREATH & SON,
Harrisburg, Pa.

I believe that the investigations should be pushed energetically.

W. T. MAGRUDER,
Professor Mechanical Engineering, Ohio State University, Columbus, Ohio.

I shall endeavor to impress upon our Representatives the importance of the work and the fact that they should evince a larger interest therein.

W. F. R. MILLS,
General Manager, Mining Reporter, Denver, Colo.

I wish to express the hope as an interested engineer and a member of the American Society of Mechanical Engineers, that the Senate may be sufficiently impressed by the accomplishments of this testing plant and the importance of its investigations to be willing to defray the expenses of such investigations by appropriations to be repeated indefinitely. In my estimation it will be money spent to inestimable advantage.

W. W. NICHOLS,
Allis-Chalmers Company, New York City.

I hope there can be no question of stopping appropriations for the very valuable work of the Geological Survey in testing fuels and building materials which has given us not only the best, but, in many cases, the only authoritative data on these subjects and greatly added in the economical use of building materials.

R. V. NORRIS,
Consulting Engineer, Wilkes-Barre, Pa.

I have been informed of some move to discontinue the investigations of fuels and structural materials in the Survey. Please advise if I have not been misinformed. Surely no one would curtail the work of the Survey of such great importance as this if they appreciate the immense value of it to the mining public.

S. W. OSGOOD,
Chicago, Ill.

The importance of providing for the continuance of this desirable work is of such moment that I sincerely hope that the appropriation necessary for this purpose may be made by Congress.

CHARLES SCHUCHERT,
Curator Yale University Museum, New Haven, Conn.

Our company is very much interested in an appropriation for the continuance of the investigations of structural materials.

S. H. BASSETT,
President The Iola Portland Cement Company, Iola, Kans.

We are greatly interested in this work, and trust that the Government will see the advantage of providing funds for its continuance. The cement industry in particular has grown so enormously that we believe the Government alone can correct the tremendous amount of misinformation that has grown up respecting the use of cement.

H. J. SEAMAN,
General Superintendent Atlas Portland Cement Company, Northampton, Pa.

We desire to express our hope that the investigations of the fuel and structural materials may be continued by the United States Geological Survey. There is a great need of such investigation concerning the efficiency of various fuels and the strength of various materials entering into construction, and such information will be of great value to the manufacturers and engineers of this country.

FRANK E. SHEPARD,
The Denver Engineering Works Company, Denver, Colo.

"*Resolved*, That we, the National Association of Cement Users, in convention assembled at Milwaukee, Wis., deem the investigation of cement, mortars, and other structural materials now being conducted by the United States Geological Survey of so far-reaching importance to the people of the country that we respectfully ask the Congress of the United States to make large provision for the continuance of this important work on a more extensive scale."

The foregoing resolution was passed by the National Association of Cement Users on January 10, 1906.

RICHARD L. HUMPHREY,
President National Association of Cement Users, Philadelphia, Pa.

This work that is being done is of great assistance to all those engaged in work along these lines. It is to be hoped that the Senate will pass a resolution allowing this work to go on.

R. A. WEDDIEOMBE,
Kroeschell Bros. Boiler and Steel Fitting Works, Chicago, Ill.

From the intimate knowledge of the thoroughness and care with which the fuel tests are conducted at St. Louis, I sincerely hope that this work will be continued through a new Congressional appropriation. The results thus far obtained are of inestimable value, and it would be a grave misfortune if this work can not be continued.

H. A. WHEELER, *St. Louis, Mo.*

This work is of great public benefit, and I hope Congress will not cripple nor curtail the work of the Geological Survey, but will favor the continuance or expansion of the same.

EDWIN L. WILES,
Stony Point, N. Y.

I trust that Congress will make appropriations for the continuance of the investigation of fuels and structural materials.

JOHN WILKES,
Manager Mecklenburg Iron Works, Charlotte, N. C.

So far as I can judge, the results obtained are of great value and the investigation should be continued.

HENRY J. WILLIAMS,
Boston, Mass.

I would urge you to do all in your power to get sufficient funds appropriated to continue this work, as it is of great importance and much benefit will be derived from a continuancce of these tests and investigations.

B. N. WILSON,
Professor of Mechanical Engineering,
University of Arkansas, Fayette, Ark.

I consider this report of extreme value and should regret to learn that it is to be discontinued.

R. S. PERRY,
President and General Manager Harrison Brothers & Co. (Inc.),
Philadelphia, Pa.

I desire to say it is my opinion that these investigations are very useful and should be continued. I believe the money is well spent which it costs to make them, and I hope Congress will make the necessary appropriation for the next fiscal year.

ERSKINE RAMSAY,
Vice-President Pratt Consolidated Coal Company,
Birmingham, Ala.

It is my hope that Congress will permit the continued work of the Survey on fuel investigations. The information that has been obtained by the tests at St. Louis have been of great commercial value.

GEORGE S. RICE,
Mining Engineer, Chicago, Ill.

I trust that the value of the work of the plant at St. Louis will be made apparent to Congress and that ample appropriations for the purpose will insure the continuation of the work for some time to come.

F. SCHNEIWIND,
The United Coke and Gas Company,
New York City.

I am very much interested in the work which has been conducted at St. Louis during the past year and believe that Congress should appropriate sufficient funds to continue the work on a larger scale.

M. S. SHERMAN,
Superintendent Sement-Solvay Co.,
Ensley, Ala.

I am impressed very favorably with the idea that the investigation of fuels and structural materials by the United States Geological Survey should be continued.

A. M. SHOOK,
Nashville, Tenn.

We believe that many and great benefits will accrue to the American people by a more general understanding of the scientific principles upon which the economical use of fuel is based.

J. D. SKINNER,
President The Northern Coal and Coke Company,
Denver, Colo.

I sincerely hope that the Government may make appropriations so that this exceedingly valuable work may continue.

ALBERT W. SMITH,
Director Sibley College, Cornell University, Ithaca, N. Y.

I consider the continuance of the investigation of fuels and structural materials by the Geological Survey to be of vital importance to the United States in general.

J. A. SNEDAKER,
Mining Engineer, Denver, Colo.

I am in favor of the continuance of the work of testing fuels and structural materials.

H. H. SUPLEE,
Editor The Engineering Magazine, New York City.

I am satisfied that the work of testing fuels and structural materials by the National Government can be made of great value to the people, and I am in favor of having the organization made permanent, with sufficient appropriations granted to obtain the service of the right kind of men.

R. M. TARLETON,
New York City.

Among the engineers who are familiar with what is being done at the testing plant at St. Louis this is regarded as the most important work that the Government has undertaken, and one which not only gives valuable scientific information, but will bring the greatest practical good to the country. I wish to add my commendation of the work.

ARTHUR THACHER, E. M.,
St. Louis, Mo.

We are very much interested in these investigations and think they will be useful not only to us, but to the community at large.

E. N. TRUMP,
General Manager The Solvay Process Co., Syracuse N. Y.

I warmly indorse the work of your Department and trust Congress may provide for a continuance of the investigations.

EDWARD V. D'INVILLIERS,
Geologist and Mining Engineer, Philadelphia, Pa.

The work is proving of much value to the industries of the country.

JOHN P. JACKSON,
Professor of Electrical Engineering,
Pennsylvania State College, State College, Pa.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground, commemorative of the great victory gained there during the war of the American Revolution, on October 7, 1780, by the American forces;

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska; and

H. R. 13372. An act to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1816. An act for the relief of the Citizens' Bank of Louisiana;

S. 1812. An act for the relief of Lieut. James M. Pickerell, United States Navy, retired;

S. 6256. An act to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it;

S. 5901. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes;

S. 5418. An act relinquishing the title of the United States to certain land in the city of Pensacola, Fla., to James Wilkins;

S. 3469. An act to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,'" approved July 27, 1902; and

S. 3413. An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For topographical surveys in various portions of the United States, $300,000, to be immediately available.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order to that paragraph.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 75, line 20, amend by adding, after the word "hundred," the words "and fifty."

Mr. TAWNEY. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. Without objection, the amendment will be considered as pending and read for the information of the committee in the time of the gentleman from North Carolina.

Mr. SMALL. Mr. Chairman, this amendment simply restores

the appropriation to the amount in the current law, $350,000. I think it is not necessary to impress upon the members of the House the relative importance of topographic surveys among the whole work of the Geological Survey. It is such work as is preliminary to much of the other work of that Survey. All investigations of mineral resources, of forest resources, of soil survey, made by the Department of Agriculture and various other works are dependent upon the preliminary topographic maps made by the Geological Survey. It is naturally important, therefore, that the topographic survey should precede and be largely in advance of the other work of the service. There is now no such advance as will justify Congress in curtailing this appropriation, and therefore curtailing the work. There is no more popular feature of the work of the Geological Survey than that involved in this paragraph. Demands have come from every State and Territory in the Union, and as the director in has report says, a much larger sum than that contained in the current appropriation and that which is intended by this amendment could be utilized and then the wishes of the country, as reflected by their Representatives here, not be met. I take it, therefore, it is unnecessary to take up the time of the House in any discussion of the merits of this amendment, the only purpose of which is to make the appropriation equal to the appropriation in the current law, $350,000, instead of $300,000, as reported by the committee and contained in the bill.

Mr. McKINLAY of California rose.

The CHAIRMAN. The Chair will recognize the gentleman from California.

Mr. SHERLEY. Mr. Chairman, do I understand that a point of order is pending?

The CHAIRMAN. A point of order is reserved against the paragraph. The gentleman from North Carolina [Mr. SMALL] offered an amendment, which was read in his time, but which would of course not be considered as pending until the point of order reserved by the gentleman from Wisconsin [Mr. STAFFORD] was determined.

Mr. SHERLEY. Is it in order to demand that the point of order be made or withdrawn?

The CHAIRMAN. The Chair thinks that it is.

Mr. SHERLEY. Then I shall insist that the point be made or withdrawn. This may go out on a point of order, and we would like to have the Chair's ruling upon it.

The CHAIRMAN. The Chair would state, however, to the gentleman from Kentucky that before his point was made and while the point of order was pending the Chair had recognized the gentleman from California [Mr. McKINLAY].

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. In the event that the gentleman from Wisconsin [Mr. STAFFORD] withdraws his point of order to the paragraph, does the point of order still lie to the amendment which I have reserved, which amendment was offered by the gentleman from North Carolina?

The CHAIRMAN. The Chair will again state that under the parliamentary situation the amendment of the gentleman from North Carolina was simply read in his time and is not now pending.

Mr. TAWNEY. What I want to ascertain is whether in the event of the withdrawal of the point of order to the paragraph I can then insist upon my point of order as against the amendment increasing the appropriation.

The CHAIRMAN. Yes; the gentleman from Minnesota can make the point of order.

Mr. TAWNEY. Will the point of order lie?

The CHAIRMAN. The Chair thinks not. The amendment simply increases the amount.

Mr. TAWNEY. Then, Mr. Chairman, the only way in which we can avoid this would be to have a ruling on the point of order made by the gentleman from Wisconsin.

Mr. SHERLEY. Mr. Chairman, I would like to ask the Chair if I understood the Chair aright in stating that the point of order had to be made or withdrawn whenever the regular order was called for?

The CHAIRMAN. Yes; but the Chair understood the gentleman from Kentucky to rise to a parliamentary inquiry or to make a point of order, and before he made the point or rose to a parliamentary inquiry the Chair had recognized the gentleman from California for five minutes.

Mr. SHERLEY. I have no desire to take the gentleman off his feet.

Mr. McKINLAY of California. Mr. Chairman, all that portion of the sundry civil bill dealing with the appropriations for the maintenance of the Geological Bureau is of vital importance to the entire State of California, but particularly so to that region of the State occupied by the valleys of the San Joaquin and Sacramento rivers.

This section of the bill is peculiarly important to northern California, because of the fact that the items of this portion of the bill have been cut down far below the estimates of the Bureau of Geological Survey, the item of appropriation for topographical work alone having been scaled by the committee $100,000. This item, at least, we contend should be raised in the bill, so that it shall read $400,000 instead of $300,000.

I firmly believe that if the Members of this House will give some consideration to the magnitude and importance of the work now being carried on in all sections of the United States by this very efficient and useful department of the Government, they will come to the same conclusion I have—that the increase of this item, which is now $300,000, to $400,000 is not too much to ask for and expect to receive.

Gentlemen, the work of this Department of the Government is not confined to any one State nor any one section. Every State and Territory of the Union is being surveyed and studied, and in a measure developed by the engineers and scientists of the Geological Bureau. Therefore every Member of the House is interested in having sufficient funds placed at the disposal of the Director of this Bureau for the aggressive continuance of the work now being prosecuted under his direction.

The restoration of all the amounts cut from the estimates of Mr. Walcott is not too much to ask for, for the restoration of those amounts means the continuance in an efficient way of geological survey, topographical survey, stream measurement, and chemical and physical research relative to geology, in all parts of the Republic.

The engineers and scientific men of this Bureau are now scattered over the entire area of the country. They are doing good, valuable work, work that must be done before the lands in the various States and Territories still in the ownership of the Federal Government shall be ready for settlement, occupation, or sale, as the case may be, under the various laws by the provisions of which the public lands may be acquired by private persons.

It is not as though the Geological Bureau were asking increased funds to experiment with along new lines. The lines of work of the Geological Bureau are already set. Their plans have been in operation for years and are still under way, and all the Bureau asks is that that work shall be continued along the lines projected.

Now, as this is a necessary work, useful and profitable to every State of the Union, it should be indorsed, supported, and encouraged by every Member of this House. And the only way this can be done is by the restoration to the sundry civil bill the amounts scaled down from the estimate of the Bureau.

Last year the approved estimates of the Bureau amounted to $350,000, and that was almost an insufficient amount to meet the demands upon the Bureau; and the demands are daily increasing rather than diminishing, so that to keep pace with those increasing demands, to continue the work falling under the supervision of the Geological Bureau and maintain it in its old ratio in proportion to the calls upon the Bureau from many new quarters, it is necessary that the amount the Bureau should have placed at its disposal this year should be $400,000.

Now, the reduction of the fund for topographical survey works a peculiar hardship at this time upon northern California, throughout all the region drained by the San Joaquin and Sacramento rivers, for in those regions topographic, hydrographic, and geological work have been carried on for some years. Reconnoissance surveys have been made over almost the entire extent of the two river basins, and working surveys already extend over a great portion of the Sacramento basin, and the continued prosecution and quick completion of those surveys means everything to the district I have the honor to represent.

Now, gentlemen, do not assume that if the sum of $100,000 is restored to this item of the sundry civil bill it all goes to northern California, or even to all California. The portion of the entire amount which will go to California will be about twenty or twenty-five thousand dollars, the remainder of the amount being divided up among other States. Texas, Georgia, Illinois, New York, Ohio, Montana, Washington, Oregon, and, in fact, every State in which geological work is being prosecuted will share with California.

Mr. GILLETT of Massachusetts. May I ask the gentleman a question?

Mr. McKINLAY of California. Certainly.

Mr. GILLETT of Massachusetts. I would like to ask the gentleman how he knows $20,000 of that will go to California?

Mr. McKINLAY of California. Because last year about $20,000 of the fund was expended and this year, I think, $15,000,

and I am basing my estimate of $20,000 for the future year's work upon the amount which has been expended in the past.

But the peculiar hardship to California arising out of the scaling down of the estimates of the Bureau comes from the fact that the surveys in the valleys of California are nearly completed. One more year's work will finish them. The twenty or twenty-five thousand dollars which would be apportioned to our State, when supplemented by a like sum furnished by California herself, would be sufficient to bring to a successful conclusion an all-important work—a work the completion of which means everything to that portion of our State.

This work of the Geological Bureau throughout our valleys has been varied, extensive, and very necessary.

The hydrographic work now in progress in those valleys consists of stream gauging, the study of underground waters, the study of the quality of the water, and the study of the débris problem and its relation to hydraulic mining. And let me say in passing that the débris problem was, and is, one of the most disturbing questions that has ever agitated California, and a question that is still far from settlement or solution.

The topographic work is in the nature of the location and survey of irrigation reservoir sites, drainage and irrigation canal courses, location of storage basins for waste waters, and all such necessary work as must be done in the preparation of vast and comparatively little understood tracts of land, when preparing them for successful cultivation under a proposed irrigation system.

The continuance of this work is most necessary. Why, its cessation would be a calamity to the State of California; not only that, but it would be against the interests of the people of the whole country to have this work terminated.

Perhaps this may seem like an extravagant statement, but consider the facts. Although the work I have indicated is being carried on within the State lines of California, nevertheless the Federal Government still owns over 10 per cent of all the lands lying in the counties of Tehama, Lake, Glenn, Colusa, and Yolo, on the west side of the Sacramento River. Why, Mr. Speaker, the Federal Government still owns or controls more than half of the lands within the entire area of the State of California.

That magnificent empire of the Pacific slope, containing 99,000,000 acres of land, twelve hundred miles of seaboard—if the indentations of the coast are followed—the greatest harbor in all the world, unbounded resources, and endless possibilities of industry, commerce, manufacture, and productive enterprise of every description, one-half of all this is still in the ownership or under the control of the General Government of the United States.

To whose interest and advantage is it, then, that the work of surveying, studying, planning for, and understanding California shall be continued? To California alone? No. It is to the interest and advantage of all the people—the whole people of the whole country.

Far too great a portion of the public domain—the people's land—has already been thoughtlessly, ignorantly, and wantonly conveyed away. Lands containing vast deposits of minerals of untold value; lands covered with tracts of timber of almost fabulous price; lands possessed of water, springs, and streams of incalculable value; lands upon which reservoir sites and rapids suitable for the generation of power are located by nature have been recklessly given to persons and corporations for but a fraction of their value, because the Government itself did not know the value of the rich agencies of wealth and usefulness it was scattering with a far too lavish hand.

But the General Government has at last turned over a new leaf in this respect, and it wants to know all about its possessions. It wants to know the value of the land, the water, the timber, the minerals, and even the sands, rocks, and climate it intends to hereafter dispose of. And so that it may understand all these things, so that a fund of all such information shall be easily available, the Geological Bureau has been intrusted with the work of gathering information of every nature, information equally valuable to the Government and the private citizen.

Now, that is the work that the Geological Bureau is carrying on not only in California, but all over the country, and the work which we Californians protest against bringing to even a partial conclusion for the want of sufficient funds to bring it to a thorough completion.

Nor has California been backward on her part. She has year by year appropriated sums to be spent in equal amount to that spent by the Federal Government within her boundaries, all sums, both State and Federal, being expended by the United States officials for the carrying forward of Geological Bureau work of every description. Last year she contributed twenty thousand, this year fifteen, in cooperation with the Federal Government, and I am sure she will continue to meet every requirement of the work of the Geological Bureau, so necessary to her development.

So much has been done already of usefulness and profit by the cooperation of State and nation—so much toward the solution of the drainage problem, the irrigation problem, the débris problem—that it would be a shame and disgrace to both State and nation if all this important work should be suspended, the engineers recalled, the scientific men withdrawn, the records, plans and specifications shelved away to molder and be forgotten, and all the work fall into desuetude for the want of a few paltry thousand dollars, which here and now should be restored to the sundry civil bill. And if this should be done—as it ought to be done—be assured of this, Mr. Chairman, that California on her part will pay back to the General Government in the saving of future expense and in the profits of enlarged opportunities $10 for every one she shall receive.

The maintenance of the navigability of the Sacramento River has been for many years a large item of expense which the Federal Government has been compelled to consider. Congress after Congress has been importuned by California Members to grant moneys for the purpose of dredging bars, removing shoals and other obstructions, building weirs and wing dams, so that a reasonable state of navigability might be maintained along the course of this the great artery of northern California's inland commerce, and on the whole Congress has reasonably responded to the solicitations of California along this line.

But notwithstanding the large sums expended, despite the fact that great improvements have been made in the river course as a result of these expenditures, the problem of the control and reclamation of the Sacramento River is still a most vital question, affecting all the valley territory extending from Suisun Bay to the mountain slopes at the head of navigation north of the town of Red Bluff, a distance of over 250 miles.

To understand the intricacies of the Sacramento River problem of the present it is necessary to be acquainted with the fact that in Argonaut days navigation was comparatively easy and unimpeded along the entire river course from its mouth to the mountain rapids. In those days the Sacramento was the highway of northern California commerce and the chief agency for the distribution of people, products, and merchandise to all parts of that section of the State. Old settlers still remember when ocean-going vessels were tied to Sacramento city docks, and cargoes loaded or unloaded that found a passage "round the Horn."

But the use of the hydraulic monitor in mining operations in the foothills of California soon began to fill the tributary streams with refuse and débris of the mines, and this, being carried by currents and floods, found its way to the mother stream, and in time began to change the whole character of the water courses impregnated with it. Great deposits of débris began to fill the beds of the streams and find lodgment against obstructions, forming bars, shoals, and islands, and in many places completely changing the topography of the country.

The Federal Government finally found it necessary to prohibit hydraulic mining, but the prohibition in a great measure came too late. The Sacramento River was almost ruined as a navigable river, and all the tributaries entirely so. The Yuba, the Feather, and the American rivers, emptying into the Sacramento, became almost worthless from a navigable standpoint.

The filling up of the beds of the streams caused, of course, an increased danger of overflow in time of high water. A great danger to life and property each year arose from this changing condition of river and streams. To offset the growing tendency to inundation the landowners along the banks of the streams were compelled to build levees to confine the waters, and this levee building has never ceased to this hour. The work has gone on year after year, the rivers filling, the levees growing higher and higher, and each year the danger of winter's floods increasing. As a result of this filling and building, in places the beds of streams are 12 and 15 feet higher than the adjacent fields.

This condition might not be so very alarming in a sparsely settled country, but the rich lands of the Sacramento River bottom are attracting a large and ever-increasing population, and consequently year by year the menace to life and property along the Sacramento increases.

The Federal Government has taken cognizance of these conditions, and, I believe, at times has even stretched a point in the way of making liberal appropriations for maintaining the navigability of the river, in order that incidentally such work might be done in the expenditure of the appropriation as would tend to mitigate the evils arising out of the river's impairment by the mining débris.

In 1904 a serious break of the levee, just below the city of

Sacramento, permitted the inundation of nearly 60 miles of lands, a great portion of which were under cultivation, and as a result fully $10,000,000 worth of property was destroyed.

Both the State of California and the Federal Government have been working for years upon various plans to eradicate the evils growing out of the tendency of the Sacramento River to overflow its banks. Commissions of engineers have been appointed by both Federal and State governments to study the problem and, if possible, formulate a plan whereby the evils might be overcome.

A very comprehensive plan has been outlined by a commission appointed a few years ago, and in all probability, if the details of that plan could be successfully worked out, the Sacramento River could be confined within its banks, and incidentally great tracts of overflowed lands drained and brought into a condition fit for cultivation, but the completion of the work under that plan would require an expenditure of $24,000,000. And at the present time neither the State of California nor the landholders of the valley are in a position to expend the amounts which would fall to their respective lots to pay, even if the Federal Government would cooperate with the State of California and the landholders in carrying out the plans of the engineers.

Meanwhile the people of that great valley are in constant apprehension that each recurring winter's floods will sweep away the levees and carry death and destruction to thousands of homes.

Now, strange to say, the passage of the reclamation act of June 17, 1902, came as a star of promise to the people of the Sacramento Valley. Under the provisions of that act a fund should be created out of the proceeds of the sale of public lands, this fund to be expended in the building of storage dams, irrigation canals, and ditches, by means of which the waters of winter might be impounded and stored till the season of summer and then distributed to the thirsty lands within the limits of irrigation districts.

Although the provisions of this act were intended to apply primarily to arid lands in Government ownership, still the scope of the law was not absolutely confined to Government lands. Under its provisions private owners of lands, under the direction of the Reclamation Service Bureau, may dedicate their lands in acreages not to exceed 160 acres by each owner to an irrigation district corporation, and if an aggregate expanse sufficiently large is so dedicated to the corporation, the Secretary of the Interior may cause to be built suitable storage reservoirs and canals and furnish water to the members of the district corporation, the money advanced by the Government to become a lien upon the land of the district until paid, which payment may be made in ten yearly installments, the works then to become the property of the district corporation. In this way, under the provisions of the reclamation act, it is designed that the reclamation fund shall become a revolving fund, and decade after decade perform its beneficent purpose.

Now, the people of the Sacramento Valley were quick to perceive the possibilities of this wise law; perhaps their perception was quickened by the fact that long since much of their land has become partially exhausted from successive years of wheat raising. Year by year the yield has been decreasing, until in many sections the annual return of the land when planted to wheat is not sufficient to maintain the landowner.

So from every part of that great valley a desire was expressed that irrigation be inaugurated under the provisions of the reclamation law.

Students of the river problem saw in the possibility of irrigation under the reclamation law a practical solution of the river problem. With the construction of storage dams on the courses of the various streams emptying into the Sacramento River engineers saw the possibility of holding back a great portion of the flood waters in time of excess and gradually letting them escape as the river flow subsided; then, as the months of drought approached, permitting the reservoirs to fill for the purpose of storing the water for use in irrigation.

Therefore the development of the irrigation systems, the regulation of flood waters, and the drainage and reclamation of land will insure the comparatively easy preservation of the navigability of the Sacramento River. After the passage of the reclamation law the engineers of the Reclamation Service, in making reconnoissance surveys over California, discovered the immense possibilities of the Sacramento from the irrigation standpoint, and every succeeding day's study of that remarkable valley more strongly confirmed the opinion that the Sacramento Basin is the most promising field for successful irrigation operations in the whole United States.

So enthusiastic are the Government officers engaged in surveying the Sacramento Valley that they are very anxious to complete the necessary work, so that very soon the entire valley shall be prepared for the formation of irrigation districts and the prosecution of work under the reclamation law.

The great Sacramento Valley is 400 miles in length and has an average width of about 40 miles. It has an area of more than two and a half million acres, all of which is susceptible of some degree of irrigation, and this vast tract of most fertile land as yet contains a population of much less than a half million people.

The records of the census of 1900 show that this Nile Valley of California produces more than 80 per cent of the wheat crop of the State, more than 60 per cent of the barley, 57 per cent of the onions, and 55 per cent of the potatoes. This valley raises citrus fruits, deciduous fruits, and grapes. In fact, all products of the temperate and semitropic climates are there grown.

This wonderful valley, even under partial irrigation, within twenty years should furnish homes and plenty to more than 5,000,000 souls. Already the progressive citizens in the vicinity of the thriving town of Orland, in Glenn County, have caught the spirit of progress and have organized themselves into an irrigation district, known as the "Orland Water Users' Association." They have dedicated sufficient land to meet the requirements of the reclamation law, and under the direction of a former Member of this House, who was, as well, a member of the Irrigation Committee, the Orland association is endeavoring to proceed according to the plan outlined in that act. They are endeavoring, by the timely use of water, to save their lands and their homes to themselves and their children, and in doing so they are furnishing a valuable example to the people of other semiarid districts, that will, without doubt, be most profitable for them to follow.

But the necessary surveys are as yet incomplete. The plans, the specifications, and the estimates are as yet unfinished, and the Geological Bureau asks funds to complete the work. Without sufficient funds—yes, even without the additional $100,000 we are now importuning the House to add to the estimate of the committee for topographical survey—the work of completing the plans must cease, at least till a more generous House will furnish the means to meet the requirements of the situation.

But surely the plea of the Geological Bureau and of the people of California will be granted and their hope not denied. This Congress, which gave most generously when unparalleled disaster devastated California, will not close its hand in a sudden paroxysm of false economy, and, in order to recoup liberality in other places, bring to a standstill even a portion of the work now being carried on under the direction of the Geological Bureau in the Sacramento Valley.

Let me say again, in conclusion, this is a whole United States project—this mapping out, surveying, and preparing for irrigation the California lands. It is a work which vitally concerns all the people of the Union, for it is the making ready for the welcome of millions who will some day find homes in California.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANKENY, Mr. CARTER, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, had asked a conference with the House on the disagreeing votes of the two

Houses thereon, and had appointed Mr. CARTER, Mr. FLINT, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Hariet P. Sanders.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELKINS, Mr. HOPKINS, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6176. An act providing for pay of expenses of district judges.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. SHERLEY. I simply rise to ask the parliamentary status. I understand the point of order has been reserved on this section. I insist that the point be made or withdrawn.

The CHAIRMAN. What was the remark of the gentleman?

Mr. SHERLEY. The gentleman from Wisconsin [Mr. STAFFORD], as I understood, reserved the point of order pending the remarks of the gentleman from California [Mr. MCKINLAY]. Now, I understand the regular order is either the making of the point or order or the withdrawal of it.

The CHAIRMAN. The Chair thinks not. The Chair thinks the gentleman has the right to reserve the point of order pending discussion.

Mr. SHERLEY. The former Chairman ruled just the contrary—the predecessor of the gentleman.

The CHAIRMAN. The Chair will say if anybody demands——

Mr. SHERLEY. I do demand it. I demand the regular order.

Mr. STAFFORD. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Can another gentleman, as, for instance, the gentleman from Kentucky [Mr. SHERLEY], make the point of order if he so desires, the point of order having been reserved by another gentleman?

The CHAIRMAN. The gentleman from Wisconsin has reserved the point of order, as the Chair understands.

Mr. STAFFORD. That is true.

The CHAIRMAN. He does that only by unanimous consent. If anyone objects to that and demands that the point of order be made, then the gentleman must either make it or withdraw it, and if the gentleman withdraws it, the gentleman from Kentucky may renew it, if he sees fit to do so.

Mr. SHERLEY. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. STAFFORD] insist on his point of order?

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Do I understand the alternative now as presented to me is to either withdraw the point of order or make it? Or can not I be recognized to speak to the merits of the proposition as I see fit?

The CHAIRMAN. Not when a decision is demanded.

Mr. STAFFORD. I reserved the point of order for the purpose of obtaining some information concerning this paragraph. I suppose that can be done in the regular way, by moving to strike out. So I withdraw the point of order.

Mr. GILLETT of Massachusetts. Mr. Chairman, I renew the point of order.

Mr. SMITH of Kentucky. Regular order, Mr. Chairman.

Mr. OLMSTED. Mr. Chairman, may we know what the point of order is? Some of us were unable to hear it.

The CHAIRMAN. The point of order is on the paragraph, the Chair will state to the gentleman.

Mr. OLMSTED. What is the point of order?

Mr. KEIFER. There is some confusion as to what this is.

The CHAIRMAN. Lines 19, 20, and 21, page 75. The point of order is on the paragraph. An amendment was offered and the point of order made to the amendment.

Mr. KEIFER. On what ground?

The CHAIRMAN. The present occupant of the chair was not here at the time.

Mr. OLMSTED. What we would like to know is, if the gentleman from Massachusetts [Mr. GILLETT] will state what this point of order is. We understand from the Chair against what paragraph it is made, but do not know what the point of order is.

Mr. GILLETT of Massachusetts. It is on page 75, lines 19, 20, and 21.

Mr. OLMSTED. What is the point?

Mr. GILLETT of Massachusetts. The point is that it is new legislation and not authorized by law. I suppose it is practically covered by the Chair's previous ruling.

Mr. OLMSTED. We do not think so.

The CHAIRMAN. The Chair is quite willing to hear the gentleman from Massachusetts on that proposition, also any other gentleman who desires to argue it.

Mr. GILLETT of Massachusetts. I understand that the topographical survey is authorized only by the same statute which was appealed to to uphold a provision for gauging streams. That is my understanding of the law, namely, that that is the only basis for this topographical survey. And if that is so, of course the ruling of the Chair upon gauging streams would apply also to this paragraph.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. OLMSTED. Very briefly. The survey part, as I understand, the important part against which the point of order was originally made by the gentleman from Indiana, was withdrawn, and the point of order upon which the Chair passed had relation only to gauging streams and determining water supply, for which the Chair ruled there was no authority of law either in the public domain or anywhere else. But this paragraph covers topographical surveying throughout the United States. I think it to be a fact that will not be disputed that this is a Government work in progress. It has been appropriated for year after year, and there are at this moment men at work, actually on the ground, doing tangible, actual work in a dozen different States of the Union. It is clearly as much a Government work as continuing the location of boundary lines or the completion of a list of claims—private claims—against the United States, both of which have been held to be Government works in progress.

The rule of this House requiring previous authority of law as the basis of an appropriation expressly excepts appropriations in continuation of "such public works and objects as are already in progress."

Now, here is an actual, tangible thing. It is a tangible work, and a work in actual progress, making a topographical survey of the United States. There is a map spread out before us that shows the extent to which it has been already accomplished from one coast to the other. Surveying has within the past three years, as the hearings before the committee show, been in progress in forty-five States. It will not be disputed that there are thousands of men at work in the field now on that very work. Therefore I say that this is for the continuation of a Government work in progress, and therefore within the exception to the rule.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard?

Mr. STAFFORD. I do not desire to discuss that phase of the point of order covered by the gentleman from Pennsylvania, but I would like to present a suggestion as to whether this topographical work is covered by the original law. The Chair construed the same provision of the act in passing upon the point of order just passed upon. There is nothing in the substantive law creating this Bureau that authorizes a topographical survey. There is in the section phraseology that will permit a geological survey; and I wish to call the Chair's attention to the distinction between a topographical survey and a geological survey. A topographical survey is in no wise incident to a geological survey, but entirely separate and distinct, as is borne out by the testimony of the Chief of the Geological Survey in the hearings before the committee. The work of a topographical survey is entirely apart and distinct from a geological survey and in no wise dependent upon it. As the Chair well knows, and as this committee knows, so far as that is concerned, topographical surveys are surveys of the surface. A geological survey is a survey of the substratum, beneath the surface, and has nothing whatever to do with the topographical survey.

I wish to call the Chair's attention to the limited phraseology in the original act, which says that this officer "shall have direction of the geological survey," not topographical survey, "and the classification of the public lands." The mere fact that he has authority to classify public lands does not give him authority to make a topographical survey, because the classification of the public lands has no relation to a topo-

graphical survey. A topographical survey is entirely separate and apart. I read the language that immediately follows:

An examination of the geological structure, mineral resources, and products of the national domain.

There is nothing involved in that phraseology, "examination of the geological structure, mineral resources, and products of the national domain," that would authorize him to have a survey made of the surface. I contend there is nothing dependent and conditional upon a geological survey that can imply an authority to have a topographical survey made. Therefore, I believe the point of order should be sustained.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. KEIFER. I do. If I understood the gentleman from Wisconsin, he concedes that if this is a part of the geological survey, then his point of order is not good. Is that right?

Mr. STAFFORD. The point I make is that in no way is a geological survey connected with a topographical survey.

Mr. KEIFER. I understood you to concede that if it was a part of the geological survey, then your point of order is not good.

Mr. STAFFORD. My whole argument was, and I am very sorry I did not convey it to the distinguished gentleman, that a topographical survey was separate and distinct from a geological survey, and therefore there is no authority to make a topographical survey.

Mr. KEIFER. I do not care to have the gentleman repeat the statement. If a topographical survey is an essential part of the geological survey, as we will soon see, or if it is any part of a geographical survey, then the gentleman's point of order is not well taken.

Now, let us see whether we are in any trouble about that. This is a very important question, and covers other important matters and should be carefully considered. This clause provides for the appropriation of $300,000, to be immediately available, for topographical surveys in various portions of the United States. Now, Mr. Chairman, let us see whether a topographical survey is a geographical survey within the meaning of the law. It is, unless the Appropriations Committee, which drew this bill, was entirely mistaken, and unless every other committee and every other Congress making appropriations hitherto of like kind were utterly mistaken. Let us see. I desire the attention of the Chair to this point, for it is the basis of my objection to the point of order.

The CHAIRMAN. The Chair is hearing the gentleman from Ohio.

Mr. KEIFER. I call attention to page 75 of the bill. In capitals we find the words "For general expenses of the Geological Survey," in line 4; then a colon. Now, I read further:

For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain—

And so forth. Going down toward the close of that paragraph:

Including telegrams, furniture, stationery, telephones, and all other necessary articles required in the field, to be expended under the direction of the Secretary of the Interior, namely—

That is, the Geological Survey, namely:

For pay of skilled laborers and various temporary employees, $20,000.
For topographical surveys in various portions of the United States, $300,000, to be immediately available.

All these things are connected with the Geological Survey, and are so designated in the bill. The phrase "Geological Survey" is not a mere name which indicates and defines that it is only to be confined to the science purely of geology, but it includes all things that are appropriately placed here under that head. So the topographical survey is put here under the head of the Geological Survey, and so are many other things so indicated in the bill.

Now, if we may appropriate for a Geological Survey, then we may appropriate for this branch of the Geological Survey, as we have been doing hitherto. I do not agree that it is necessary that when we are making an appropriation for the continuance of a survey like this, that it is to be determined by the test as to whether it is a continuation of a public work, or by the test as to whether it must be something tangible or material. It is sufficient if it may be a mere physical survey or a mere scientific investigation, and at all events it comes within the meaning of the language of Rule XXI so often read:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

There has been in progress here for twenty-five years, or a score of years, at least, this work of the Geological Survey, which necessarily includes a topographical survey, and it is so designated and described in the bill and as in former law. It is an object within the meaning of the rules, and it is nothing else, and therefore I insist that the point of order is not well taken.

Mr. MONDELL. Mr. Chairman, in my opinion the point of order is not well taken, as has been suggested by the gentleman from Ohio [KEIFER], for the reason that a topographic survey is a necessary preliminary to a geological survey under the practice of the Geological Survey of this country, and there can be no such thing as a geological survey, as specifically referred to in lines 22, 23, and 24, unless there shall have been a topographical survey of the territory to be mapped and surveyed geologically. This appropriation might properly read:

For the preliminary surveys as a foundation for geological surveys.

And I call the attention of the House to the map before us, which clearly indicates that these topographical surveys are made as the foundation of geological surveys. The examination of geological structure, examination of the mineral resources and products of the national domain, provided for in the law, and against which no point of order has been made; the preparation of the geological map of the United States herein provided for, none of these things could be completely accomplished without a topographic survey, which this paragraph provides for, which is the foundation and initial work of the geological survey. I am inclined to think, Mr. Chairman, that the same work could be done if this particular provision were not in the bill, that topographic surveys could possibly be carried out under lines 22, 23, and 24 of the bill, because they are the necessary preliminary of the geological survey.

They fix the boundaries of the territory to be surveyed geologically, they run the contour lines indicating elevations, the structure, and character of the country, and with the information that is thus obtained the Department proceeds to the examination and mapping of the geological structure provided for in the law. Without this necessary preliminary work the geological survey, of which it is a part, and a most important part, can not be carried out and completed.

The CHAIRMAN. The point of order is made to that section of the pending bill included in lines 19, 20, and 21 on page 75, and reads as follows:

For topographical surveys in various portions of the United States, $300,000, to be immediately available.

The Chair thinks it is not subject to a point of order, and will give his reasons very briefly. The Chair desires to distinguish between this item and the one last ruled out by the Chair. In the opinion of the Chair there is no law in existence now authorizing the gauging of streams, nor is there any law in existence now authorizing the topographical survey of any portion of the United States. The Chair desires, however, to say that in the act creating the Geological Survey there is no positive inhibition or prohibition as against the language contemplated in the section now under consideration.

Mr. STAFFORD. May I interrupt the Chair?

The CHAIRMAN. Yes.

Mr. STAFFORD. Is there anything in the organic act prohibiting the gauging of streams?

The CHAIRMAN. There is nothing in the organic act which prohibits the gauging of streams, and the Chair is about to distinguish between the two cases. There is nothing in the organic act which prohibits either, and either having once been begun by a provision on an appropriation bill would be a work in progress, provided it came within the meaning of "a public work in progress" as set forth by our rule.

Now, any act or any building or any public work can be begun whether there is authorization in law for it or not, provided no point of order is made on the appropriation. And when once begun it may be a public work in progress and may be continued by subsequent appropriations. For instance, the House can put in an appropriation bill a provision to spend $100,000 to erect a public building without any previous authorization of law, provided no point of order be raised against it; but once having been begun under that act of appropriating, all other appropriations necessary to complete the object would be in order.

Now, the Chair thinks the only difference between this pending proposition and the one last ruled on by the Chair rests in the fact that this is a definite, specific something that can be concluded and completed, while the other was not. The gauging of streams is something that might continue forever; you might gauge the same stream over and over again, and as the water supply decreased or increased the gauging could be carried on. What is meant by topography? The Chair will read:

A detailed description of particular places, especially the art of representing on a map the physical features of any locality.

Now, having once taken the topography of a county or of a State, it remains the same; so that this is a continuing work in progress, in the opinion of the Chair, which distinguishes it clearly from the gauging of streams and the determining of the water supply of the United States, and therefore the Chair overrules the point of order.

Mr. SMALL. Mr. Chairman, I now offer again my amendment, which was held not to be in order until the point of order had been determined.

The Clerk read as follows:

On page 75, line 20, amend by adding after the word "hundred" the word "fifty."

Mr. TAWNEY. Mr. Chairman, I want the committee to understand what this amendment is and what it means. There has been a great deal said to Members of this House by the scientific gentlemen in the Bureau of the Geological Survey concerning the action of the Committee on Appropriations in respect to all of these appropriations for the Geological Survey. A great deal has been written by scientific gentlemen all over the country, at whose instance I shall endeavor to show, concerning our action in reducing certain appropriations carried for this service. Briefs have been prepared by the men in the Survey and distributed by members to the Members for use in this debate.

I think, Mr. Chairman, that a statement on behalf of the committee should be made, giving the reasons for our action. I therefore ask the attention of the committee while I state our side of the case.

This is something more than a business proposition. It is a question of whether the Geological Survey shall fix the standard of expenditure in its bureau by determining the amount of its appropriations or whether Congress shall perform that function untrammeled by the influence the officers of the Survey can command by reason of the private, State, and municipal interests they serve.

I want to assure every Member of the House that no personal consideration entered into or influenced the action of the committee, either individually or collectively. I say this because Members of the House have said to me that the Director of the Survey said to them that he thought we were influenced by some prejudice against him personally. The committee, in reducing these few appropriations, were actuated by no other motive than that of serving the best interests of the Government. Take, for example, this appropriation of $300,000 for topographical surveys. The Director of the Survey has had no more than that amount appropriated for the service during the past four years except the current year.

Prior to that time, namely, in 1902, they had $250,000; in 1901, $240,000; in 1900, $240,000; in 1899, $180,000, and so on down. The committee, in the last session of the last Congress, reported this identical item at $300,000. But as the result of the influence which the Geological Survey can and does exert through the private interests that are benefited by its work throughout the United States, the same combination was formed here on this floor that now exists, and the House increased the appropriation to $350,000. We reported it at $300,000, because we all know that during the next fiscal year the revenues and the expenses of the Government will run almost equal, with the chances in favor of a deficit. In the desire of the committee to keep down the appropriations as much as possible, and in the hope of preventing a deficit, we felt justified in reporting the appropriations for topographical surveys at $300,000. It has never been more, except for the current year. In doing this we believed the service would not be impaired in the least. It might retard to some extent the making of a few topographical surveys in some of the States, but there would be no harm done and no injury to the public service, and for that reason, Mr. Chairman, we felt this reduction ought to be made in the interests of economy.

The next appropriation complained of is the appropriation for the report on the mineral resources, collecting statistics of the mineral resources of the United States. In the brief which has been prepared by the Geological Survey and presented to certain Members of the House for the purpose of influencing the action of the House in respect to these appropriations it is said that we have cut that appropriation in two; that we have given them $50,000 instead of $100,000, which they say they have this year. I want to say, Mr. Chairman, that that is absolutely false, and the man who wrote it knows it is false. We gave them this year just what they had in the past and all they have heretofore asked for for this purpose. They obtained $25,000 from the last Congress for the purpose of investigating black sands, which was a new investigation, and at the beginning of this Congress they came to us and said there was a deficit and that it would require $25,000 more to complete that investigation. They had previously represented that if this work could be done at Portland, Oreg., at the exposition, it could be done very much cheaper, and that they had so many tons of samples to analyze and investigate, and that $25,000 would complete the work. That was entirely outside and independent of the collection of statistics of mineral production heretofore carried on by the Department; and in view of the fact that that work will be completed this summer we reported in favor of an appropriation of $50,000—the same amount they have had the last four years for this service.

Mr. BONYNGE. Will the gentleman allow a question?

Mr. TAWNEY. Yes.

Mr. BONYNGE. Mr. Chairman, last year was not $75,000 appropriated for the preparation of the mineral resources, and $25,000 in the urgent deficiency bill of this year, making in all $100,000?

Mr. TAWNEY. No, sir; $50,000 was appropriated last year for collection of statistics relating to mineral production, and $25,000 was appropriated for the black sand investigation, and at this session of Congress we appropriated $25,000 more to complete the investigation of black sands, so that we have reported in this bill all they have ever had heretofore for this purpose, and there has been no reduction.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that I may be permitted to continue my remarks for ten minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for ten minutes. Is there objection?

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Minnesota may be permitted to conclude his remarks. Is there objection?

Mr. CRUMPACKER. Mr. Chairman, I object unless there is some limitation.

The CHAIRMAN. The gentleman from Indiana objects. The gentleman from Minnesota asks unanimous consent that he may be permitted to proceed for ten minutes. Is there objection?

There was no objection.

Mr. BONYNGE. Mr. Chairman, I want to ask the gentleman from Minnesota whether it is not a fact that in the appropriation bill of last year there was one item for the preparation of the mineral resources, which included the examination of the black sands—$75,000—and that there was no apportionment of that $75,000 as between the preparation of the mineral resources and the examination of the black sands.

Mr. TAWNEY. It was carried in the same item with a distinct understanding that $25,000 was to be devoted to the investigation of black sands, and that amount was apportioned for that purpose and was exhausted in that investigation, and at the beginning of this Congress we gave them $25,000 additional for the purpose of completing that work, so that in fact they received $50,000 last year for this work. This is the amount they have had for a number of years prior to this year, and they are to have $50,000 during the next fiscal year.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. ADAMSON. The committee was so kind as to allow me to speak the other day on this measure, and I do not want to speak again, and therefore I simply want to ask the gentleman this question and desire that his time be extended: As he has succeeded in knocking out on a point of order the expense of gauging streams, does the gentleman think it would interfere with his plan of economy as presented in the bill to let us have now this increase for topographical survey?

Mr. TAWNEY. These items should be considered on their merits.

Mr. MONDELL. Mr. Chairman, as I understand it, the appropriation for the preparation of this work for a number of years past has been $50,000 a year.

Mr. TAWNEY. Yes.

Mr. MONDELL. The committee, I have no doubt, took into consideration the fact that the country is growing, that new mineral fields are being opened all the time, and that a wider range of inquiry is necessary year after year. And taking into consideration that growth and development of the country, does not the gentleman believe that a slightly increased proportion is necessary to take care of the ordinary growth and development of the mineral industries of the country?

Mr. SMITH of Iowa. Will the Chairman allow me to suggest, in reply to the question, that the country is not growing

any larger than it was and as this work is being done the amount to be surveyed is growing smaller every year instead of larger.

Mr. MONDELL. Mr. Chairman, my statement, I think, was not that the country was growing larger, although it has expanded somewhat in the past few years, but the discovery of minerals has vastly expanded. If the gentleman will recall——

Mr. TAWNEY. Mr. Chairman, I did not yield for a speech.

Mr. MONDELL. Excuse me.

Mr. TAWNEY. The gentleman evidently does not know the details of this service. If he would study the hearings he would see that this matter was carefully considered by the committee. The committee insisted upon a full, detailed statement as to what was to be done with this $50,000; we find that there are certain gentlemen who are sent out through the country to gather these statistics. This is the first source from which they obtain information regarding mineral statistics. Then they have a system of communication. They have mailing lists or persons to whom they send blanks to fill out, and in this way they collect the information regarding the mineral products of the country. It does not involve the investigation into the mineral resources, it simply involves the collection of information regarding the mineral products for the fiscal year. To a certain extent this work has been duplicated. The Bureau of the Mint, in the Treasury Department, is engaged in doing the same work with respect to precious metals, and we discovered by comparing the statistics furnished by the Mint and the statistics collected by the Geological Survey in respect to the production of gold and silver, that there was a difference of over a million or a million and a half, as I now recall it, in nine States between the statistics furnished by these two bureaus. We also discovered that this work was being duplicated. We got Professor, or Doctor Day, as he is called, and the Director of the Mint together——

Mr. WILEY of New Jersey. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. No; I must decline to yield just now. We got them together. They have agreed on a plan for collecting these statistics that will cost the Government less than has heretofore been expended, so the Geological Survey will, with this appropriation, have even more money to expend this year than it has had during the current year with the same amount.

Mr. Chairman, there is only one other appropriation of any consequence that we reduce, and that is the appropriation for the survey of forest reserves. The reduction is $30,000. That appropriation has also increased very rapidly. This service, Mr. Chairman, it will be conceded is not so very important. Even if this reduction of $30,000 does cause a little delay nobody will suffer in consequence of it. It is a service that will continue for many years, but a service that does not directly affect the people, and if retarded a little will do no harm.

Mr. Chairman, if it were not for the active, energetic work of the Geological Survey in creating sentiment throughout the country in favor of its appropriation, there is hardly a man on the floor of this House who would not accept the recommendations of the committee. This sentiment could not be created but for the manner in which most of these appropriations are distributed.

There is no man employed by the Federal Government who has as many favors to distribute throughout this House as the Director of the Geological Survey. These favors are not given to individual Members, but to their States and their home cities, and therein is the secret of his power. What is he doing with these Federal appropriations? He goes to your State, he goes to my State, and so says: "Unless these appropriations can be increased on the floor of the House or in the Senate of the United States, then we can not do this work for you next year."

This method of lobbying has been carried in this instance to an extent far beyond anything ever before attempted. I want to call attention to it briefly. It shows a system whereby appropriations can be increased that has no equal in our Government. I hold in my hand a letter that I received through the mail, which was written by Mr. Holmes, who is an officer, one of the scientific gentlemen employed by the Geological Survey. It was written in respect to structural material. He sent this letter out—a circular letter, as he stated to the committee—to a large number of engineers throughout the United States. He says:

I am sending you herewith a copy of his report—

Report of the structural material—

in response to this resolution, in which he recommends the continuance of these investigations, giving reasons therefor, and asks Congress to make an appropriation of $350,000 for this work during the next fiscal year. The final report on the fuel investigations during 1904 is now ready for distribution (Professional Paper No. 48), and you can obtain free of charge a copy of this report by applying for it at once to some Member of Congress or to the Director of the Geological Survey. If in writing for this report you feel sufficient interest in this work to express an opinion as to its continuance, I am sure that any such expression of opinion on your part will be considered appropriate.

This is only a part of the letter. I will print it in full with my remarks.

When this gentleman was before the committee he was interrogated concerning his right to thus attempt to influence the action of the committee and create a back fire on Congress for the purpose of securing appropriations in the expenditure of which he is directly interested. In one question that I asked him I quoted this language, and said that I would print the letter in connection with his testimony. Subsequently the gentleman from Iowa [Mr. SMITH], a member of the Committee on Appropriations, asked him a question in which he also quoted that paragraph. On last Sunday I was looking over this testimony to refresh my recollection, and I found this letter as it was printed on page 614 of the hearings. Any gentleman can turn to that page and he will find the letter, but he will not find that paragraph. Knowing that it was there in the original, as shown from my question, I read from page 613:

You say if in writing for this report you are sufficiently interested in the work to express an opinion as to its continuance, I am sure such an expression on your part will be considered appropriate—

And so forth.

And that also because on the next page, where Mr. Smith asked him the same question, I concluded that some one had tampered with the letter. On the following morning I sent for the original testimony of this gentleman, and found the stenographer sent the letter, with the transcript of that gentleman's testimony, to him personally. When it was sent to him it was not changed in any way. When it came back this paragraph was underscored—that is, the lines I have read were underscored—and on the margin was written, "Leave out these lines" as a direction to the printer. This was done by the man who corrected Mr. Holmes's testimony, and that man was presumably Mr. Holmes, who wrote the letter originally, who was criticised by the committee. He evidently was conscious of having gone a little too far in his attempt to increase the appropriation, and no doubt thought that some criticism might be urged against him on the floor if some Member saw the letter. He therefore deliberately emasculates the letter, which was not his. It was a public document, concerning which he was interrogated, and after that interrogation he deliberately went to work and emasculated the letter by striking out that portion of it which the committee criticised him for writing.

Mr. REEDER. Who wrote the letter?

Mr. TAWNEY. Mr. Holmes.

The time of the gentleman from Minnesota [Mr. TAWNEY] having expired, by unanimous consent he was granted leave to continue his remarks.

Mr. TAWNEY. The name of the gentleman is J. A. Holmes, and when he was before the committee I handed him the letter and asked him if the signature was his. He said it was; and he also testified, as you will see, that he had sent out a number of them to engineers—to the members of a board of engineers, of which I want to speak later.

Mr. DALZELL. Will the gentleman allow me a moment? To whom was this letter addressed?

Mr. TAWNEY. It is not addressed to anyone. It is a circular letter, and you will find that Mr. Holmes admits it was a circular letter and addressed generally to the engineers.

Mr. DALZELL. Did he not say it was sent out in answer to several hundred letters that he had received from various parts of the country, from engineers and architects, and so on, who were seeking information on this subject and who had addressed him concerning it?

Mr. TAWNEY. Yes; I think he made that statement, and in order to show the insincerity, if not the untruthfulness of that statement, I will read the first paragraph of this letter:

The United States Senate recently passed a resolution asking the Secretary of the Interior for an expression of opinion concerning the continuance of the investigation of fuels and structural materials by the United States Geological Survey.

He does not say in this letter that it was in answer to an inquiry. That was an afterthought. It was like another letter that I have here.

Mr. NORRIS. Will the gentleman permit a question?

Mr. TAWNEY. Just a moment. The day this letter was presented to him he was also confronted with another letter which the gentleman from Pennsylvania [Mr. DALZELL] kindly referred to me as the chairman of the Committee on Appropriations. This letter was written by Mr. Swenson, in Mr. DALZELL's district, in which Mr. Swenson says:

Supplementing my letter to you of February 14, 1906, relative to an item of $100,000 in the sundry civil bill for the work of testing

structural materials at the laboratory, World's Fair grounds, St. Louis, under the direction of the United States Geological Survey, I am advised this morning by the gentleman in charge of the loboratory as follows:

"I find—

That is, the gentleman in charge of the laboratory, Mr. Holmes, says:

"I find that there is some doubt in the minds of the subcommittee of the sundry civil bill as to whether or not the Government should carry on tests of concrete and reenforced concrete."

He no doubt made that discovery from the questions that were asked him, and immediately he draws on the men with whom he is acquainted, or the engineers throughout the United States, for the purpose of getting their assistance in securing appropriations for the Geological Survey regardless of the judgment of the committee. Then this gentleman goes on and says:

Knowing my impersonal interest in getting at the truth of this important subject, and my desire to see this matter, which is now spreading over the country like wildfire, put on proper scientific basis, he—

The man in charge of the laboratory, Mr. Holmes—

he goes on to ask me to assist in the matter, even to going before the subcommittee and explaining its importance to the country at large. I regret very much that previous important engagements prevent me from lending my assistance by going to Washington in person, and will have to content myself with falling back on our energetic Representative in Congress. Pardon me for again bothering you—

And so forth.

Mr. Chairman, the Geological Survey is the most ambitious branch of the public service we have. The present Director of the Geological Survey had only about $400,000 appropriated for that service when he was appointed Director in 1894. To-day he has over a million. Therefore his appropriations have increased in that time more than 300 per cent. This is the first time in his administration it has ever been proposed to reduce the aggregate of his appropriation. There has been a steady increase. Every reduction now proposed is recommended in the belief that the public interest demanded it, and that there would be no injury or harm in consequence of such reduction.

Mr. Chairman, I spoke a moment ago about the way in which the influence of the Survey has been exerted to increase these appropriations. I have here a telegram which I received from the general solicitor of the Burlington Railway Company. In order to secure the influence of that railway company it was deemed necessary to show that the appropriation for the gauging of streams would in some way affect the Reclamation Service, although in the brief presented to Members of the House by the Geological Survey it is expressly stated that this appropriation does not in any way involve the Reclamation Service. But it was deemed necessary, in order to secure the influence of that great railroad that traverses the reclamation section of our country, to convey the idea to some one that this Reclamation Service was suffering in consequence of this reduction. I have here a telegram from the general solicitor of that road, Mr. Dawes. It is a carbon copy, I suppose, of many received by Members of Congress.

CHICAGO, ILL., *June 2, 1906.*

Hon. JAMES A. TAWNEY,
House of Representatives, Washington, D. C.:

I am advised that it is proposed to cut down the appropriation for gauging streams and investigating water supply under the reclamation act from $200,000 to $100,000. Such a reduction would greatly hamper the development of the West in this direction and cut off work where it is proceeding rapidly and advantageously. Hope you will consider it consistent with the public interest to use your influence to see that the appropriation is maintained at $200,000.

CHESTER M. DAWES,
General Solicitor Chicago, Burlington and Quincy Railway.

To which message I replied as follows:

JUNE 2, 1906.

CHESTER M. DAWES,
General Solicitor C., B. and Q. R. R., Chicago, Ill.:

Wire received. Please advise me in what respect will the development of the West be hampered by the failure to gauge streams in New England, the South, and other States east of the Mississippi River. It is conceded that this work is being done in the interest of prospective investors in water powers. Under what provision of the Constitution can Congress justify the appropriation of public money for the benefit of prospective or actual investors in private enterprise? I sincerely regret I can not consider it consistent with the public interest or with my duty to the people to continue appropriations for gauging of streams in States where the Government does not own a foot of land and where the streams are admitted to be nonnavigable. Reclamation Service is not involved.

JAS. A. TAWNEY.

To which I received the following reply:

CHICAGO, ILL., *June 4, 1906.*

Hon. J. A. TAWNEY,
House of Representatives, Washington, D. C.:

I was under misapprehension of the situation when I sent my dispatch to you. I thank you very much for your explanation of the matter.

CHESTER M. DAWES.

Later I received the following letter:

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY,
Chicago, June 8, 1906.

Hon. JAMES A. TAWNEY,
Washington, D. C.

MY DEAR MR. TAWNEY: I am in receipt of yours of 6th instant, explaining the situation with reference to the reduction of the appropriation for gauging streams, etc.

I regret very much to have put you to all this trouble through ignorance of the facts. The matter was brought to me, as I stated, by our traffic people, but who set them onto it I do not know. I naturally took their information as accurate and wired you as I did.

I desire to say that I am in full accord with the position you have assumed in the matter. I do not see what else you could do consistently with your public duty.

I am, with great respect, yours, very truly,

CHESTER A. DAWES, *General Solicitor.*

But, Mr. Chairman, this is not all; knowing that Members were receiving numerous telegrams and letters on the subject of these particular appropriations, I sent to the Secretary of the Interior a dispatch, asking him to send me copies of all letters, telegrams, or other communications sent out by the Geological Survey concerning this appropriation, and I received in reply this letter, which I will not stop to read, with a letter inclosed from the Director of the Geological Survey, both of which I will here insert:

DEPARTMENT OF THE INTERIOR,
Washington, June 8, 1906.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

SIR: Your telegram has been received, requesting to be advised "whether any officers or employees of your Department, particularly of the Geological Survey, have written or sent to any person or persons, outside of Washington, letters, circulars, or otherwise, or telegrams on the subject of appropriations estimated for under the Geological Survey, and if such letters have been sent, please cause copies thereof to be furnished to the committee as soon as practicable."

In response thereto, I have the honor to transmit herewith copy of a letter from the Director of the Geological Survey, to whose attention your wishes in the matter were called, submitting a report in the premises, with copies of two letters written by an employee of the Survey in relation to the increasing of certain Survey appropriations.

Due inquiry fails to show that any officers or employees of this Department, outside of the Geological Survey, have sent any person or persons outside of Washington letters, circulars, or otherwise, or telegrams on the subject of appropriations for the work of the Geological Survey.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., June 6, 1906.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I am in receipt of a copy of a telegram sent to you on June 5, by the Hon. JAMES A. TAWNEY, chairman of the Committee on Appropriations of the House of Representatives, asking that he be advised whether any of the officers or employees of the Department of the Interior, and particularly of the Geological Survey, had written or sent to any person or persons outside of Washington letters, circulars, or otherwise, or telegrams on the subject of the appropriation estimated for under the Geological Survey and asking that if such letters or telegrams have been sent, copies thereof be furnished to the committee as soon as practicable.

I beg to report in this connection that the Director of the Geological Survey has neither written nor sent, nor caused to be written or sent, any such letters, circulars, or telegrams; nor has he been able to learn of any such letters, circulars, or telegrams having been sent by the officers or employees of the Survey, except the two letters copies of which are attached hereto. I may add that a typewritten statement concerning the investigation of fuels and structural materials was sent out on request to the members of the National Advisory Board on Fuels and Structural Materials, about May 20; but it neither contained nor was accompanied by any suggestion of action on their part relative to the appropriation for these subjects.

Yours, truly, CHAS. D. WALCOTT, *Director.*

JUNE 4, 1906.

Dr. C. W. HALL,
University of Minnesota, Minneapolis, Minn.

DEAR SIR: In reply to yours of May 28:

We had hoped to be able to continue our topographic surveys in Minnesota this year, but the Committee on Appropriations, of which Mr. TAWNEY, of Minnesota, is chairman, has reported our appropriation bill with great reductions from previous bills. On the item for topography he cut $50,000. The necessary result is that unless this item is restored on the floor of the House or in the Senate we must reduce the amount of work which we are to do, and this will doubtless prevent the extension of work into new areas.

If you are especially interested in this work, I suggest that you immediately bring it to the attention of your Senators.

Very truly, yours,

H. M. WILSON, *Geographer.*

JUNE 4, 1906.

Hon. JOHN LIND,
Minneapolis, Minn.

DEAR SIR: At the request of Hon. LOREN FLETCHER, there is mailed you to-day a preliminary photolithographic copy of Lake Minnetonka map.

We have just received a request from C. W. Hall, of the University of Minnesota, to extend these surveys into the remainder of Hennepin County, and I have advised him that we had hoped to do so, but that the Committee on Appropriations, the chairman of which is from your State, has reported our appropriation bill with a cut of $50,000 in the item for topographic surveying. Necessarily unless this item is re-

stored on the floor when the bill comes up, about the 7th or 8th, or unless it is restored in the Senate we will not be able to extend our topographic work into new areas, and the survey of this region would therefore doubtless have to be deferred until some future date.

Very truly, yours,

H. M. WILSON, *Geographer.*

Is it not strange, Mr. Chairman, that the only two letters sent out by the Survey concerning these appropriations were sent to Minnesota? This may be a coincidence; if it is, certainly it is a remarkable one. These letters were written to people in my own State, and, the Director says, were the only people addressed on this subject. It may be true, but in view of all the letters and telegrams received by Members it is difficult for anyone to believe it. The first is to Prof. C. W. Hall, of the University of Minnesota—

In reply to yours of the 28th—

Now, I want to say that they started to make a topographical survey of Hennepin County. That is Minneapolis. If any man can tell me or show me wherein we are justified in appropriating public money for the purpose of making a topographical survey for the benefit of street-railway companies and water-power companies, and for the benefit of the municipalities, then I admit that this appropriation ought to be increased twofold, because the Geological Survey could do nothing else but make topographical surveys for the cities of the Union and for the benefit of these private interests during the next fiscal year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I desire to read these two letters.

Mr. CRUMPACKER. I ask unanimous consent that the gentleman may continue his remarks for ten minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Minnesota may continue his remarks for ten minutes. Is there objection?

There was no objection.

Mr. TAWNEY. This letter I will read first is addressed to Dr. C. W. Hall, of the University of Minnesota, and is in reply to a letter addressed to the Bureau. It is signed by H. M. Wilson, geographer of the Geological Survey:

We had hoped to be able to continue our topographic surveys in Minnesota this year, but the Committee on Appropriations, of which Mr. TAWNEY, of Minnesota, is chairman, has reported our appropriation bill with great reductions from previous bills. On the item for topography he cut $50,000—

Which is the amount the Committee on Appropriations reported to the last Congress, and which his department estimated and had estimated for three years prior—

The necessary result is that unless this item is restored on the floor of the House—

How suggestive!

or in the Senate, we must reduce the amount of work which we are able to do, and this will doubtless prevent the extension of work into new areas.

If you are especially interested in this work, I suggest that you immediately bring it to the attention of your Senators.

That letter is signed by Mr. Wilson.

Mr. WILEY of New Jersey. Was not that letter written in answer to one from Doctor Hall?

Mr. TAWNEY. Yes; I so stated.

Mr. WILEY of New Jersey. You omitted the first line.

Mr. TAWNEY (reading):

In reply to yours of May 28—

I stated that it was a reply.

Mr. WILEY of New Jersey. That line was not read by the gentleman before.

Mr. TAWNEY. Now, another letter, which is not "in reply," written to Hon. John Lind, of Minneapolis, who is the man who initiated the movement here in the last Congress to increase this appropriation $50,000:

Hon. JOHN LIND,
Minneapolis, Minn.

DEAR SIR: At the request of Hon. Loren Fletcher, there is mailed you to-day a preliminary photolithographic copy of Lake Minnetonka map.

It does not say that Mr. Fletcher requested him to write in regard to his appropriations.

We have just received a request from C. W. Hall, of the University of Minnesota, to extend these surveys into the remainder of Hennepin County, and I have advised him that we had hoped to do so, but that the Committee on Appropriations, the chairman of which is from your State, has reported our appropriation bill with a cut of $50,000 in the item for topographic surveys. Necessarily, unless this item is restored on the floor when the bill comes up, about the 7th or 8th, or unless it is restored in the Senate—

He was very particular to put in the exact date when this bill was to be considered—

we will not be able to extend our topographic work into new areas, and the survey of this region would therefore doubtless have to be deferred until some future date.

When I received the letter from Mr. Walcott saying a typewritten statement had been sent out, I sent another telegram to the Secretary of the Interior for a copy of this typewritten statement sent to the board of engineers, and also a request to know who had appointed this board of engineers, by what authority of law they were appointed, and what salary or compensation they were receiving, although the testimony of Mr. Holmes says that they are to receive $5 per day when they actually serve. The Secretary, in answering the communication, sends me another letter from the Director of the Geological Survey, all of which I will not take the time to read:

Replying to the same—

Referring to my telegram—

I beg to report that this board was appointed by the President; and I respectfully suggest that this request for information concerning it should be addressed to the President.

The typewritten statement referred to as having been sent to the members of that board, I am informed, was prepared and sent out to them by the acting secretary of the board. I have neither personal nor official information concerning it, except that when Mr. TAWNEY's previous request was received my general inquiry brought out the fact that such a circular statement had been sent out from the Survey building to the members of this board. And notwithstanding the fact that this action was unofficial, and was explained as having no real or intended relation to the committee's estimate, yet I thought it best to mention it in my former reply to Mr. TAWNEY'S inquiry.

I have been unable to secure an exact copy of the statement sent out, but will endeavor to do so and forward it to you later in the day if possible.

Now, I want to call your attention, gentlemen, to this national advisory board of engineers, which has been created as an adjunct to the Geological Survey, to assist in carrying on their scientific investigations respecting tests of building material and fuel or coal tests. This board was appointed without authority of law. They number thirty-nine in all. I have the names of all of them here and the positions they occupy and the States in which they reside. The list is as follows:

List of members national advisory board on fuels and structural materials.

From the American Institute of Mining Engineers: Robert W. Hunt, president, Chicago, Ill.; John Hays Hammond, past president, Empire Building, New York; B. F. Bush, member, St. Louis, Mo.

From the American Institute of Electrical Engineers: Francis B. Crocker, Columbia University, New York; Henry G. Stott, New York.

From the American Society of Civil Engineers: C. C. Schneider, ex-president, chairman committee on concrete and reenforced concrete, Philadelphia, Pa.; George S. Webster, chairman committee on cement specifications, Philadelphia, Pa.

From the American Society of Mechanical Engineers: W. F. M. Goss, Purdue University, Lafayette, Ind.; George H. Barrus, Boston, Mass.; P. W. Gates, Chicago, Ill.

From the American Society for Testing Materials: Charles B. Dudley, president, Altoona, Pa.; Robert W. Lesley, vice-president, Philadelphia, Pa.

From the American Institute of Architects: George B. Post, past president, New York; William S. Eames, past president, St. Louis, Mo.

From the American Railway Engineering and Maintenance of Way Association: H. C. Kelley, president, Minneapolis, Minn.; Julius Kruttschnitt, Chicago, Ill.; Hunter McDonald, past president, Nashville, Tenn.

From the American Railway Master Mechanics' Association: J. F. Deems, New York; A. W. Gibbs, Altoona, Pa.

From the American Foundrymen's Association: Richard Moldenke, secretary, Watchung, N. J.

From the Association of American Portland Cement Manufacturers: John B. Lober, president, Philadelphia, Pa.

From the Geological Society of America: Samuel Calvin, professor of geology, University of Iowa, Iowa City, Iowa; I. C. White, State geologist, Morgantown, W. Va.

From the Iron and Steel Institute: Julian Kennedy, Pittsburg, Pa.; C. S. Robinson, Denver, Colo.

From the National Association of Cement Users: Richard L. Humphrey, president, St. Louis, Mo.

From the National Board of Fire Underwriters: Chas. A. Hexamer, chairman board of consulting experts, Philadelphia, Pa.

From the National Brick Manufacturers' Association: John W. Sibley, Birmingham, Ala.; William D. Gates, Chicago, Ill.

From the National Fire Protection Association: E. U. Crosby, chairman executive committee, Philadelphia, Pa.

From the National Lumber Manufacturers' Association: Nelson W. McLeod, president, St. Louis, Mo.; John L. Kaul, vice-president, Birmingham, Ala.

From the Corps of Engineers, United States Army: Lieut. Col. William L. Marshall, Army Building, New York.

From the Isthmian Canal Commission: Lieut. Col. O. H. Ernst, Washington, D. C.

From the Bureau of Yards and Docks, United States Navy: Civil Engineer Frank T. Chambers, Washington, D. C.

From the Supervising Architect's Office, United States Treasury Department: James K. Taylor, Supervising Architect, Washington, D. C.

From the Reclamation Service, United States Interior Department: F. H. Newell, chief engineer, Washington, D. C.

From Bureau of Steam Engineering, United States Navy: Rear-Admiral Charles W. Rae, chief, Washington, D. C.

Mr. Chairman, here is a Bureau which has increased its appropriations more than 300 per cent in twelve years, a Bureau that is constantly reaching out for new fields of investigation, a Bureau that is constantly branching out, and has added to it an organization consisting of thirty-nine distinguished and eminent engineers throughout this country, who are to receive a compensation when they are actually engaged in service of $5 a day.

A bureau or board appointed without authority of law.

When are we going to call a halt in the ambition of this Bureau, this man, the Director of the Survey, for whom I entertain the highest respect? The Director of the Geological Survey is unquestionably the ablest man that has occupied the position, one of the best administrative officers in the Government, but when he seeks to use the influence he acquires by virtue of the administration of his department for the purpose of increasing his appropriation I say it is time for this House to call a halt. [Applause.] While he is an eminent scientist, a good administrative officer, these are not his only accomplishments. He is also the smoothest and most scientific and accomplished lobbyist connected with the Government.

Mr. THOMAS of North Carolina. Mr. Chairman, I want to ask the gentleman from Minnesota one question. The gentleman is a distinguished Member of this House, has been here a great many years, and I have great respect and regard for him. I want to ask him if all the various researches conducted by the Geological Survey under the leadership of Charles O. Walcott, Director—the gentleman for whom he says he entertains such high regard—I want to ask him if the gauging of streams, the investigation of the mineral resources of the country, and the topographical surveys do not all tend to the development of the United States, do they not all tend to develop the resources of the country?

Mr. TAWNEY. I will answer the gentleman in his own time. What right have we as the representatives of the people to appropriate the people's money for the purpose of developing water powers in the interest of prospective investors? [Applause.] There is no governmental function involved in the doing of that work. The duty of the Government is to govern. It is the duty of the people to develop the country, but not at the expense of the Government. The topographic surveys should be made by the States not by the General Government, and the streams should be gauged by the corporations that desire the water powers at their expense. It is not the business of the Government to gauge them to enable these private corporations to determine whether it will or will not pay to invest their capital in them.

Mr. THOMAS of North Carolina. I am not talking about water powers in the interest of investors. I am talking about the development of the resources of the country by the work of the Geological Survey as a whole, which I believe has benefited the whole country.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GARDNER of Michigan. Mr. Chairman, it has been my fortune to serve on this committee under three different chairmen. Naturally we study our chairman and his methods, and it is no disparagement to either of the other eminent gentlemen who have filled this responsible position since I have been a member of the committee to say that neither one has been more thorough, more nonpartisan, more patriotic in conserving the interests of the Government than the present chairman. [Applause.] Two years ago I served on the subcommittee having the sundry civil bill in charge, and we met precisely the same thing we are meeting to-day. Somebody had been plowing with our heifer. [Laughter.] Somebody had been using influence secretly. We knew it, but could not trace it every time. Somebody was undermining the foundation upon which the committee stood in making this report. Somebody was clandestinely working to undo what the committee had done. The same work has been done now, but it has been traced. It has its headquarters in this city. It is going out to the various parts of the country and coming back here as though the initiative was elsewhere.

I have been on several subcommittees of the Appropriations Committee, and in no other instance, so far as my experience goes, have we run across any bureau chief who seeks as does this one to dominate the committee and therefore dominate the House. Here is a subordinate undertaking to run the committee and through it the Congress. I tell you, gentlemen, when you lose your confidence in the fidelity, the wisdom, and the patriotism of the Appropriations Committee you had better dismiss the committee, and until you do it is not safe to follow the ambitions of a man the appropriations for whose bureau have risen from $400,000 to more than $1,000,000 in a little while, and still he is asking for more. If he can not get in regularly by the front door, then he tries some other way. I appeal to this House to stand by the committee because it is right, and to rebuke this betrayal of trust to gain an end which, however worthy some may think it to be, ought not to be gained by such means as he employs. [Applause.]

Mr. SHERLEY. Mr. Chairman, I decline to determine the wisdom of increasing an appropriation from $300,000 to $350,000, either upon the excellence of the chairman of the Committee on Appropriations, the general fidelity of the committee itself, or the wrongdoing of some employee of the Geological Survey. The question before this committee is whether $300,000 will do the work that ought to be done in making topographic maps for the country. If it is wrong to expend $350,000 in making topographic maps because it helps the street railways, and because it helps some particular individual or set of individuals, it is equally wrong to spend $300,000 for that purpose. If you are going to determine the constitutional validity of your appropriation, determine it not by the size of the appropriation, by the amount of money you spend, but on principle. It does not become right because you spend one sum, and wrong because you spend another sum; neither does it become right because the money is expended in making a topographical map of the country, and become wrong because it is expended in making a topographical map of a city. The people of the cities are as much entitled to have a geographical map made as the people in the country. The act creating this bill provided for a geographical map of the entire country.

Mr. TAWNEY. I beg to differ with the gentleman. The act does not give authority for that at all.

Mr. SHERLEY. The act does provide for the making of a geographical map of the national domain. Now, if the gentleman wants to put all the cities of America out of the national domain, that is his privilege.

Mr. TAWNEY. This is not for a geological survey. I will ask the gentleman this: On what theory does he justify the expenditure of public money for the making of topographical maps of the city of Louisville?

Mr. SHERLEY. On this theory——

Mr. TAWNEY. On the theory that he can get it?

Mr. SHERLEY. No. I do not necessarily justify it that way, for if I did I would have less justification than the gentleman from Minnesota [Mr. TAWNEY], because I have less ability to get from the Administration things for my district than the gentleman has. I justify it for this reason——

Mr. TAWNEY. In the comparison I think the gentleman from Kentucky would be ahead.

Mr. SHERLEY. I hope so. The gentleman is doing me honor overmuch. When I get to be chairman of the Committee on Appropriations I hope to be able to do just as much with my Administration as the gentleman does with his.

Mr. TAWNEY. I hope the gentleman may do more. [Laughter.]

Mr. SHERLEY. Well, perhaps that is a wish that I can second also. [Renewed laughter.] I certainly do not hope to do less. But that is neither here nor there. I justify these appropriations upon the same ground that I justify the National Government doing many things. The National Government undertakes to do certain things that do not fall within the domain of the States, and whatever may have been said of the original proposition as to whether the National Government had a right to go into internal improvements, a proposition that was fought up and down in the halls of Congress by the ablest men that ever came here, the question has been settled once and for all. We are doing it. The National Government is going into internal improvement, and whatever theory I might have had as an original proposition must fall in face of the actual, concrete facts. The question that confronts the House and the committee is whether you want this work to progress at a certain rate of speed or whether you want it to progress at another rate of speed. The very gentlemen of the committee would not, if they could, prevent the geological work being done or the topographical maps being made. They are simply fighting on the ground of economy. If that be so, if that be the truth, then why not come on this floor and make your fight on that ground?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. And not undertake to divert the thing by making an attack on the head of a Bureau and a Department. It may be that there has been lobbying for this item, but the difference between the lobbying of this Bureau and the lobbying of a great many other bureaus of the Government has been that it has been a lobbying back to the people themselves to get their opinion, whereas most of the lobbying from the bureaus has been for the benefit of individual and special interests for the expenditure of money because it helps some particular industry. Is this House going to determine what it will do simply because somebody has been guilty of wrongdoing? If the President of the United States has done something wrong, contrary to law,

as the gentleman says, by making appointments of men to this board of engineers, let the House take such action as it seems proper as against the President of the United States, but do not let us pass upon the validity of an appropriation or its size for any such reason as that. That is neither logical nor is it common sense. What I would like is for some member of the committee to rise and tell us on what theory its reductions have been made of appropriations asked, whether they have simply sliced horizontally without regard to things or whether they have actually looked into it. If they did that, we perhaps might have more opinion of their ability than we have from their own estimates of it.

Mr. TAWNEY. Mr. Chairman, if the gentleman has examined the hearings he will find that our investigation of the appropriation asked for by the Geological Survey takes up almost a third of the entire testimony in that investigation.

Mr. SHERLEY. I am not speaking of volume so much as I am of quality. Now, let the gentleman tell us why he cuts this appropriation $50,000.

Mr. TAWNEY. If the gentleman has not read it, then I maintain he can not pass judgment as to its quality.

Mr. SHERLEY. I ask the gentleman why he has made the reduction of $50,000?

Mr. TAWNEY. I told the gentleman, if he was listening to my statement, the reduction of $50,000 was made because that leaves the amount at $300,000, just the amount they have always had, except this year—not always, for they have only had that amount for the last three years—and we felt that under the testimony, inasmuch as a large amount of this money was to be expended in making topographical surveys of cities for the benefit of street railway companies and water powers and for the benefit of municipalities in determining the grade of streets, that they could get along this next fiscal year with $300,000, especially in view of the fact that the expenses and the revenues of the Government would be very close.

Mr. SHERLEY. If I understand the gentleman, his proposition is based on three things—general economy, the fact that the year before the committee recommended $300,000, and the fact that certain moneys are being expended for topographical maps in cities. I want to ask the gentleman if he knows what proportion of the money in regard to topographical surveys was being expended in cities and what proportion outside of cities?

Mr. TAWNEY. When the Director was before the committee he was asked that very question with respect to the distribution of this—he has said he had no intimation that there was going to be any reduction in his appropriation—but he was asked to state how much the amount could be reduced if we eliminated the topographic survey of cities, and he could not give us a definite answer, but gave us in a general way what it would cost to make a topographical map of Boston, what it would cost to make a topographical map of Louisville and several other cities—one they are making now in Cincinnati—but we could get no definite answer from him as to how much of this would be expended for topographical surveys in cities.

Mr. SHERLEY. Where did the gentleman get his definite information to determine how much reduction to make because of topographical maps in the cities?

Mr. TAWNEY. We inferred that if he carried out the plan for topographical survey of cities, it would cost at least $50,000 to do that the next fiscal year, and on that theory we lopped it off.

Mr. SHERLEY. Does the gentleman know it would cost $50,000 to make topographical maps in cities, and is he willing to state to the House as the ground for this reduction the doing of this work in cities?

Mr. SMITH of Iowa. If the chairman will permit me, does the gentleman mean to say if the Director of the Geological Survey was so ignorant of his own office before this committee that he could not state what it would cost to make topographical maps of the cities that his estimates ought absolutely to be taken by Congress, and the committee is in error in not being bound by his judgment?

Mr. SHERLEY. It does not prove anything of the kind, but it at least brings the matter up for this House to consider and not to be told by a member of the committee if we dare to differ with the committee's estimate on an appropriation it is high time to abolish the committee. Now, with all deference—and I have as much respect for the committee as——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. SHERLEY. I yield to the gentleman from Texas, and then I will yield to the gentleman from Michigan.

Mr. SLAYDEN. I want to say to the gentleman from Kentucky my information is that the Geological Survey does not make topographical maps of cities, but simply adapt to the general work of the Survey maps of the cities made in their——

Mr. TAWNEY. Mr. Chairman, I want to correct that statement, because the Director of the Geological Survey, if the gentleman will read his testimony, gave us a list of cities which they have topographically surveyed.

Mr. SHERLEY. I want to be absolutely frank in that. There is now being made a topographical map of the city of Louisville. It is being made there, and all the cost resulting from making it vary in the slightest from any other topographical map is being borne by the city of Louisville. And I want to say further that it costs less, foot for foot, square for square, mile for mile, to make a topographical map of a city than it does to make a topographical map of the country; and it is a new creed, a new doctrine, that a man who lives in a city should not have the benefit of Government work, but the man who lives in the country may have it. I now yield to the gentleman from Michigan for a question—not all of my time.

Mr. GARDNER of Michigan. The gentleman reaches a criticism of the committee just at that particular point. I will say it will lie against every other appropriation recommended by a committee with equal force. You must rely upon the judgment of the committee or your appropriations will increase three and four and maybe five fold. Who is to be the judge with all the information presented?

Mr. SHERLEY. If the gentleman's argument is valid, the logic of it is we had better take a bill as reported by the committee and pass it without any discussion at all. The proposition defeats itself. If the committee is infallible, what is the good of wasting the time of Congress in discussing any item in the bill? An amendment may relate to a reduction as well as a raise. The trouble is the gentleman is supersensitive because men happen to differ with the committee's wisdom. Because they want to raise an appropriation is no reflection upon the committee. We accord you proper industry, proper intelligence, but we deny you absolute infinite wisdom. [Laughter and applause.]

Mr. TAWNEY. I want to ask the gentleman this question: You are criticising or endeavoring to ascertain on what basis the committee made this recommendation. I want to say in addition to the reasons I gave a moment ago that the head of the Department, the Secretary of the Interior, and the Director of the Geological Survey, in presenting their estimates for the present fiscal year at the last session of Congress, estimated only $300,000 for this service, but as a result of the Director going over the head of his superior and coming into Congress and making the combination that we have been up against today he was able to secure an increase of $50,000. Now, I want to ask the gentleman this: Do you consider, not having read the hearings at all——

Mr. SHERLEY. I never said that, and I now say to the gentleman that I have read them. I simply said that I was not judging the hearings by their size, as the gentleman was.

Mr. TAWNEY. I understood the gentleman to say a moment ago that he had not read them.

Mr. SHERLEY. The gentleman misunderstood me.

Mr. TAWNEY. I was going to ask the gentleman on what facts he bases his judgment that $350,000 is the amount that should be appropriated rather than $300,000.

Mr. SHERLEY. I based my opinion on the fact that the man having this work in charge, who needs no better encomium than the one given him by the gentleman from Minnesota [Mr. TAWNEY], said that he needed that much, and it would seriously cripple the progress of that work if it were reduced; that this House last year determined that was a fair amount to give, and I have a little more respect for the House than the gentleman. If I had been a member of the Appropriations Committee and the House had formally taken action as it did last year, I would respect the action of the House and consider its accumulated wisdom at least equal to my own.

Mr. OLMSTED. Mr. Chairman, I yield to no man in respect for the industry, ability, intelligence, and courage with which the present chairman of the Committee on Appropriations performs the arduous and important duties incident to that position, assisted by the very able Members on either side of this Chamber who compose the balance of that committee. But this is a case in which I find myself compelled to differ with them as to amount to be appropriated. One reason which I have for asking for a larger amount in this appropriation is that for every dollar we appropriate to this service we get $2 worth of work.

Mr. TAWNEY. One moment now. Will the gentleman permit a question there?

Mr. OLMSTED. Certainly.

Mr. TAWNEY. Is the gentleman aware of the fact that this is in violation of the express law?

Mr. OLMSTED. No; I am not.

Mr. TAWNEY. Then I will cite the law to you, and you will see it.

Mr. OLMSTED. The States appropriate a certain sum of money to help bear the expense of this work, and I am not aware of any law or any constitutional provision which prevents them from so doing any more than there is a provision to keep the State of Pennsylvania from appropriating, as it did in the last session of its legislature, $250,000 to assist the Government in dredging the channel at Philadelphia.

Mr. TAWNEY. Yet, under the policy of State cooperation inaugurated by the Geological Survey, the money which we appropriate for topographical service is available and is expended only in States that will contribute a like amount, thereby giving it to States that would not otherwise get any part of this appropriation and withholding from States a part of the appropriation that they are entitled to and would otherwise receive, but because of their inability to put up the money and cooperate with the Federal Government they can not do it. Now, this money is paid by the States for the benefit of the Federal Government in the making of a topographical survey of the United States, and the statute says:

> Nor shall any Department or any officer of the Government accept voluntary services, or the Government employ personal services in excess of that authorized by law.

There is a clear violation against this cooperative plan of making a geological and a topographical map of the United States. If it is the duty of the Government of the United States to do it, as gentlemen claim, then it is unlawful for the Government of the United States to accept a dollar of this money from any State to aid in making that survey.

Mr. COOPER of Wisconsin. I ask unanimous consent that the time of the gentleman may be extended five minutes.

Mr. OLMSTED. Mr. Chairman, I am not entirely familiar with the statute to which the gentleman refers, and, without reading the whole of it, am unwilling to accept his construction. If it can be so construed as to prohibit State aid, it is certainly not enforced, and it ought to be repealed. If there is no other reason why the Government should not avail itself of what assistance it can get in doing this work and keep this work going on than that it may operate to help some water company or street railroad, that argument does not appeal strongly to me. Why, Mr. Chairman, we appropriate millions for improvement of navigable streams and harbors. The very object of the work done by the Government in that direction is to assist the steamboat companies and steamship companies which operate upon them, the railroads that connect with them, and the commerce of the country generally.

Now, one word as to the work of this Survey in cities. It seems to me that it is hardly understood. I will read from the testimony of Mr. Walcott, the Director, himself.

Mr. TAWNEY. On what page?

Mr. OLMSTED. Page 481. I want to read what the Director of the Geological Survey said in his statement before the committee. I have not spoken to the Director nor had any correspondence with him, nor has any employee of the department asked for my influence or my vote upon this or any other provision. The chairman asked him this question:

> The CHAIRMAN. Do you make topographic maps of the cities?
> Mr. WALCOTT. Only incidentally to the survey of the larger area in the progress of making a general topographic map. In only a few instances we made a special attempt to make a city map very accurate; one was Pittsburg and vicinity, in which the city contributed the additional cost of doing it. Another case was the city of St. Louis, prior to the great exposition there, when it was thought to be desirable to have not only the city, but the surrounding country included in the topographic maps of which St. Louis formed a portion. The city of Louisville recently sent a delegation asking if we would furlough three or four of our men this spring to make a topographic map of the surroundings of Louisville, they to pay all expenses, including their salaries, in order to get a detailed topographic map suitable to base their sewerage system upon. They did not feel that they had the men, or that they could well get the men, that would do that work as well for the city. Of course that is no expense to the Government.
> The CHAIRMAN. Were the men furloughed?
> Mr. WALCOTT. The men were furloughed, and are now doing the work.

Now, I do not concede that there is anything in the statute which the worthy chairman alluded to which would prevent the furloughing of men employed by the Government and allowing them to work a little while for and at the expense of a State or city, and it is the way I understand that State aid is accomplished.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. I ask for five minutes more.

The CHAIRMAN. The gentleman asks that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. Mr. Chairman, in my judgment there is one single item in which the utility of these topographical surveys exceed their entire cost. You never can locate a military camp in the United States without making such a survey, and to have it made specially would cost three times as much as to make it in the way they do now. You can not move an army through the United States or conduct any military operations without such a survey. You can not find the roads or locate the best ground in a State for such purposes. You can not tell where to find the best streams to get an adequate supply of water for the army unless such work as this has been done in advance. The basis of military operations is a survey of this kind, and such surveys can be made much more cheaply in this way, where they get the State to pay half the cost. That is merely one item of the value of these topographical surveys. Their importance in other directions is still greater.

Within the past three years, as I find on page 477 of the hearings, there has been topographical work done in forty-five States of the Union; and so great is the interest of the people in it that the Director says 1,007,280 copies of the atlas sheets have been purchased, and the regular price paid for them has been turned into the Treasury of the United States.

Mr. Chairman, I approve this amendment, giving the appropriation for a topographical survey precisely the same amount that the House appropriated for it last year.

Mr. SMITH of Iowa. Mr. Chairman, the debate upon this amendment, to my mind, tends to show that the Chair was in error in his ruling on the point of order made against this paragraph. The Chair held that the paragraph was in order because it was for the continuance of existing work which would ultimately be completed, and distinguished it from the paragraph for the gauging of streams, because to that there would be no end. The distinction made does not seem to be founded in fact, as the record shows that so far from this work of the topographical survey being completed it requires annually larger and larger appropriations. As the work progresses and large portions of the country are supposed to be thus surveyed, and the amount unsurveyed becomes less and less, one would naturally expect to find the appropriations for this purpose falling off, but quite the contrary is true. They are constantly growing, and the less of the country that remains to be surveyed the larger is the appropriation demanded for the purpose.

Mr. PADGETT. Will the gentleman submit to a question?

Mr. SMITH of Iowa. Certainly.

Mr. PADGETT. In the last naval appropriation bill we authorized the construction of a battle ship that it is estimated will cost $11,000,000. How much is the entire appropriation, from its inception until now, for the Geological Survey?

Mr. SMITH of Iowa. I am not able to state what the entire appropriation has been.

Mr. PADGETT. I will ask the gentleman——

Mr. SMITH of Iowa. Nor do I care to be turned aside into a discussion of the merits of the naval programme.

Mr. PADGETT. I will ask the gentleman if——

Mr. SMITH of Iowa. Mr. Chairman, I dislike to decline to yield. I know the gentleman will admit I always yield, but I can not discuss the naval programme.

It has been asserted here this afternoon that the topographical survey is the basis for the geological survey. That, in a measure, is true, and in view of that fact I want to call attention to the map hanging here in front of the House. Those portions colored in pink have been topographically surveyed; those colored purple have been geologically surveyed. Now, if the topographic survey is to be defended as a preliminary to the geological survey, manifestly we have gone so far with the topographic survey that we could wait for years before the geological survey would catch up with the topographic or preliminary work.

I want to call the attention of the House to the distinctions in these topographic surveys. It appears that they have numerous kinds of maps; one, a single sheet covering a square degree, or about 4,000 miles; another size covering about a thousand miles, and another about 250 miles. Now, those that cover the larger area upon the same size paper used for the smaller, manifestly can not go into great detail. They show the result of a cursory reconnoissance. The map covering a smaller area shows more of detail, and so as they reduce the area covered by the map it means more work, more accurate surveys, more accurate records.

If you will examine this map you will find that in the public

domain of the United States practically nothing has been done except to make this cursory reconnoissance in certain regions recorded on maps covering 4,000 square miles on a sheet of no value except for the most general purposes. But under this system of contribution, which was instituted by this Geological Survey, without any act of Congress to sustain it, they provide for selling these appropriations to whoever will pay the highest price for them. If a State says, "We will give $50,000," then this Bureau chief, without authority of Congress, diverts the money that would otherwise go to some place else in the United States to that place, in order that he may spend $100,000 in place of the $50,000 given him by Congress. What has been the practical operation of this administration? There is not an acre of Massachusetts, of Rhode Island, or of Connecticut that is not surveyed upon the most detailed scale, the maps covering the smallest territory; the money diverted from the people of the interior, diverted from the lands of the United States, in order that it may be concentrated in those places that will pay the most to get it.

[The time of Mr. SMITH of Iowa having expired, by unanimous consent it was extended five minutes.]

Mr. TAWNEY. Mr. Chairman, I move that the debate on this paragraph and amendments close in ten minutes, five minutes for the gentleman from Iowa, and five for the gentleman from North Carolina who offered the amendment.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] yield to the gentleman from Minnesota to make the motion?

Mr. SMITH of Iowa. Yes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending paragraph be closed in ten minutes.

Mr. MONDELL. I move to amend by making that twenty.

The question being taken on the motion of Mr. MONDELL, it was rejected.

The motion of Mr. TAWNEY was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I will yield to the gentleman from Kansas, and then I can yield no further, in view of my limited time.

Mr. CAMPBELL of Kansas. I would like to ask the gentleman from Iowa who directs the bureau or its operatives where to make these surveys?

Mr. SMITH of Iowa. No one directs them, but the Director, in place of determining where it should go by his unbiased judgment in the interest of the public service, in place of determining whether he will put an equal amount of money in the poorer States not able to contribute as much money as some of the others, diverts the money from the center of the country to New York, Massachusetts, Connecticut, and Rhode Island until they are complete, and the public domain is unsurveyed.

Mr. CAMPBELL of Kansas. That accounts for the reason that I have been refused the money for certain surveys that I have applied for in geological parts of the country.

Mr. SMITH of Iowa. That is the reason, because these funds have been diverted; and I for one believe that the amount they asked for a year ago for this purpose, in view of the fact that the topographical survey is far ahead of the geological survey, is sufficient until we shall have an opportunity to pass such legislation as will require this Geological Survey to make a fair and equitable distribution of the money appropriated.

Mr. SMALL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from South Carolina?

Mr. SMITH of Iowa. I have stated I could not yield any further. I simply want to give one illustration of the practical operation of this Survey. I was out at Laurel, Md., last Sunday and I met a gentleman at the hotel there, until recently an agent of the Census Office collecting statistics on manufactures, who asked if the party I was with was a party from the Geological Survey. We told him it was not. He said, "They have been having corps of men out here so frequently that I thought you might be a corps from that body; they have been out here surveying the river and surveying to see what is the best route for a prospective new railroad through the country." That is what the Geological Survey is doing with the topographical map. It is pandering everywhere to local interests to provide means for some local business. It is providing for the measuring of streams to find out what it will pay to give for water power; to find where it is best to build a railroad, so that the company will not have to survey it for itself. It is doing every conceivable kind of work of that character, and the time is coming when some legislation ought to be passed by Congress to distribute this money fairly among all the States. [Applause.]

Mr. WILLIAMS. Will the gentleman permit a question?

Mr. SMITH of Iowa. Yes; I am pretty near through.

Mr. WILLIAMS. The gentleman from Iowa has made a right important statement, and if the Geological Survey has been surveying the routes of railroads, and the gentleman has any evidence of that the House ought to have it.

Mr. SMITH of Iowa. I have given you all the evidence I have, except what is in the hearings.

Mr. WILLIAMS. This was a chance remark by an individual you never saw before?

Mr. SMITH of Iowa. I never met him before.

Mr. WILLIAMS. Have you any evidence from any other source of the fact?

Mr. SMITH of Iowa. I have stated all the evidence I have.

Mr. WILLIAMS. If they have been doing that, the country ought to have the evidence, and the House ought to have the evidence.

Mr. SMITH of Iowa. I have stated all the evidence I have.

Mr. TAWNEY. I will say to the gentleman from Mississippi that if he will examine the hearings he will find that it is conceded by the Director of the Geological Survey that the topographical maps of some of the places heretofore made were made for the purpose of locating and grading street railways.

Mr. WILLIAMS. Topographical maps?

Mr. TAWNEY. That is what I understood the gentleman from Iowa to say, that they were making a topographical map.

Mr. WILLIAMS. If that has been done, it ought to be corrected right away, and somebody in the dominant party ought to do it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SMALL. Mr. Chairman, in the brief time I have I shall not refer to the merits of this topographical survey. That has been stated so concisely and admirably by the gentleman from Pennsylvania [Mr. OLMSTED] and others, that it is unnecessary to do so. But I do wish to refer to one or two inconsistencies which have developed in this debate. The gentleman who made the point of order against this entire paragraph, and who would strike it out, is the gentleman from Massachusetts, Mr. GILLETT, and I would remind the House that he has had his entire State surveyed by the cooperation of the United States Geological Survey. After his State has enjoyed the benefits of this appropriation for this service, he would, it seems, withdraw it from the remainder of the States and Territories of the Union. The chairman of the committee [Mr. TAWNEY] has put the action of the committee on the plea of economy. His entire appropriation for the present year for the Geological Survey is $1,484,000. The report of this committee has cut that down $307,000, or about one-third of the entire appropriation for the current year.

Listen and see in what respect they have cut the current appropriations. They have taken $50,000 from topographical surveys, $30,000 from the survey of forest resources, $25,000 from the report on mineral resources, $100,000 for gauging streams, which I presume will go out upon the ruling of the Chairman, and $102,000 in the investigation of fuel resources; so that it makes a total of $307,000 which the committee has deducted from the appropriations for the current year for the Geological Survey. I take it, then, that it is pertinent to inquire in what respect the committee has followed out its plan of economy, and whether or not it has been consistent. It appears from the report of the committee that the appropriations carried in this bill, not including the amount for the Panama Canal, are $1,728,000, in round numbers, more than in the appropriations for the current year carried in the sundry civil appropriation bill.

Mr. TAWNEY. And will the gentleman also state at the same time that we carry seventeen millions in this bill for rivers and harbors authorized by the last river and harbor bill, which is six millions more than was carried in the last bill, and that as a matter of fact the total amount appropriated by this bill is five million less than the current appropriation?

Mr. SMALL. Oh, Mr. Chairman, the gentleman has had plenty of opportunity to make his speech. I am trying to point out to the House that this plea of economy, which is made by the chairman as a reason for cutting down this amount $50,000, does not apply to all of the items.

The true reason, I think, is stated by the chairman, when he said that $300,000 had been previously appropriated, and that by reason of the fact that $50,000 was given at the last session of Congress he desired it placed back to the old figure of $300,000. Who made the increase? It was the membership of this House. The committee came in with the same recommendation of $300,000, and yet by voluntary action of this House, and by a large majority, that appropriation was increased to $350,000, the same increase which is asked for by this amendment, so that the reason which the chairman gives

for his position is not tenable. There was no lobby, as is alleged, which came into the House last time any more than there is at the present time in favor of these appropriations for this Survey. I doubt if a single Member of this House can be found who will say that he has obtained any information from the Director or any of the officers of the Survey, except by his voluntary application, and that in no instance have they attempted by approaching any Member of the House to do any act inconsistent or which could have been constructed as improper lobbying in favor of any of the items of the appropriation for the Geological Survey. So, gentlemen, I have pointed out all that I can in the limited time at my hand. These are some of the inconsistencies that have been urged against this amendment to this appropriation. I hope that the House, in answer to the demand coming not alone from the South, coming not alone from New England, but from the entire country, a demand for this $350,000, will respond and that the amendment will pass.

The CHAIRMAN. The time of the gentleman has expired, and debate on the paragraph is exhausted.

Mr. DALZELL. I desire to direct the attention of the committee for a few moments from the outside matters that have been discussed to the real question before the committee.

The pending paragraph reads:

For topographical surveys in various portions of the United States, $300,000, to be immediately available.

Upon a point of order made the Chair has ruled that the proposed appropriation is in order as the continuation of a public work already in progress. An amendment has been offered to increase the amount by $50,000. It is claimed by the officers of the Geological Survey that the efficient continuation of this public work will be hampered unless the amendment shall be adopted.

Hence I want to call attention to the character of the work, to what has been accomplished, and to what remains to be accomplished.

The reason why so many Representatives are especially interested in this item is because it directly affects their respective States.

The topographical survey is a cooperative work carried on jointly by the United States and the several States contributing thereto. As the Director of the Geological Survey said before the committee, "If the Government puts up a dollar, the State meets it." The work in its character, its results, and its prospects can not better be described than in the paper filed by Mr. Walcott with the committee. It is as follows:

The idea of cooperation in public surveys between the Federal and State governments originated in connection with the plan to make a topographic map of Massachusetts. The cooperative survey of Massachusetts was commenced in 1885 and completed in 1888.

At the time of commencing the cooperative survey of Massachusetts the State of New Jersey was engaged in making a topographic map of its area. Attention being attracted to the Federal cooperation with Massachusetts, arrangements were made whereby the Federal survey took up the work and carried it to completion in 1887. Since that time appropriations have been made by a number of States.

The table following shows the States in which cooperative surveys have been completed or are in progress. The scale of all work completed under cooperation, except that in California, is 1:62,500, and the contour interval is from 10 to 20 feet. In California some areas have been surveyed on the scale of 1:125,000 with 100-foot contours, and some special maps have been made on the large scale of 2 inches to the mile, with contour intervals of 5 feet. In the column "Area mapped" only those areas mapped since the inception of cooperation are enumerated:

Cooperative topographic surveys in various States.

State.	Area.	Area mapped to April 30, 1906.	Total cost to June, 1906.	Appropriated by State to June, 1906.
	Sq. miles.	*Sq. miles.*		
Alabama	52,250	3,455	$26,500	$6,000
California	158,360	2,699	70,000	35,000
Connecticut	5,047	All.	48,555	25,000
Illinois	56,650	1,430	20,009	10,000
Kentucky	40,000	1,329	33,000	16,500
Louisiana	48,720	1,110	7,500	2,500
Maine	33,040	2,814	36,400	18,200
Maryland	12,210	9,884	77,500	32,550
Massachusetts	8,315	All.	107,845	40,000
Michigan	58,915	1,734	18,400	6,700
Mississippi	46,810	196	2,800	1,400
New Jersey	7,815	All.	54,744	19,670
New York	49,170	35,687	499,738	208,100
North Carolina	52,250	4,023	45,027	21,027
Oklahoma	39,030	356	10,000	5,000
Ohio	41,060	15,122	242,800	121,400
Oregon	96,030	864	5,500	2,500
Pennsylvania	45,215	11,080	224,000	112,000
Rhode Island	1,250	All.	9,732	5,000
Texas	265,780	1,620	----------	5,000
West Virginia	24,780	6,964	150,000	75,000
Total	----------	----------	----------	768,497

METHODS OF COOPERATION.

In the establishment and conduct of cooperative surveys certain methods which have been developed through an experience of eighteen years are followed.

The Director is requested by citizens of a State which may be interested in procuring topographic surveys to inform them as to his ability to accept such offers of cooperation as the State may be prepared to make, it being understood that efforts to secure cooperation must originate with the residents of the State. This Survey furnishes such information concerning the details of previous cooperative arrangements as may be sought, and in other ways assists the State officials and legislators to attain the object desired by them. The State legislature usually enacts legislation providing for a cooperative survey to be conducted under the supervision of a State official or commission, who (1) shall have control of the expenditure of the money appropriated; (2) shall make agreements with the United States Geological Survey as to the methods of conducting the work, and (3) shall recommend the order in point of priority in which various portions of the State shall be surveyed.

It is invariably stipulated that the field operations shall be under the supervision of the Director of the Geological Survey. This Survey furnishes expert assistants, who take charge of the work, and who discuss the results for publication or draft the manuscript maps. All details of the work are performed by them under rules and by methods which experience has shown to be the most economical and judicious, and which tend at all times to maintain a uniformity of treatment for the whole of the United States.

The United States Geological Survey accepts the recommendations of the State officials for the employment of such temporary assistants as may prove qualified for the work, thus insuring the employment of residents of the State so far as practicable. The law usually specifies that a sum equal to that appropriated by the State shall be expended in the same time by the United States Geological Survey.

BENEFITS FROM COOPERATION.

The Federal Survey benefits by the great increase in funds available for the extension of its legitimate operations. This Survey is charged with the duty of making a topographic and geologic map of the entire area of the United States, as well as of studying its water resources and reporting on its other economic products. The expense of this work to the Federal Treasury is reduced by the amount appropriated by the various States for cooperative surveys. To date this amounts to $768,497.

All agreements for cooperation being on the basis of equal expenditure, they necessarily reduce by one-half the cost the Federal Government of conducting its operations. An additional benefit from cooperation is the hastening of the completion of the topographic map, which thus renders it available at an earlier date as a base for the further studies of economic resources, geology, hydrography, and the classification of lands.

From the experience gained certain conditions essential to the success of cooperation have been established. All work which is in part paid for by the Federal Survey and which may be published by it or on its authority must be controlled by the Director. He selects assistants to perform such work, or approves their selection. In its execution the work is subject to the supervision and approval of the appropriate chief of division of the Federal Survey. All agreements for cooperation are drawn in such manner as not to conflict with the organic law of the Survey in regard to collections, furnishing information, or giving expert testimony.

One important point to be considered in all such work is that the general plans and methods of the Federal Survey can not be set aside on account of State cooperation.

At the present time the funds available for cooperation are so limited that its further extension is dependent on increase of appropriations by Congress.

It is against the policy of the Survey to stop work on important areas or subjects in order that cooperation with individual States may be extended. The Director is willing to enter into a cooperative agreement only when the interests of the country as a whole will be benefited.

The appropriations made by the States for cooperative surveys are accepted chiefly for actual field work in which are included the services of temporary employees, who are usually residents of the State, and for the living and traveling expenses of the field force. It may be used in paying office salaries only in so far as it is necessary to equalize the expenses of both parties to the cooperation. Thus the larger part of the amount appropriated by the State is returned to the people thereof.

The appropriation of the Federal Government is devoted chiefly to paying the salaries of the permanent employees, a small portion of it being expended on general administration and a considerable portion on field and office work.

All the assistant surveyors, as levelmen, transitmen, etc., and such helpers as rodmen, teamster, and cook, are employed under regulations of the Department of the Interior, in the locality in which the work is being done and under the terms of a signed application and agreement, which they must file when seeking such employment.

It will be observed from the figures given in this statement of Mr. Walcott that there remain a number of States where the work has not yet been entered upon; and it will further be observed that in none of the States has it been completed. Progress has been made in different degrees in different States. It is apparent, therefore, that this public work in progress demands liberal treatment if its progress is to be continued and any hope of its completion indulged in.

Complaint has been made that the Director of the Survey and his associates have been too active in "lobbying," as it is termed, in the interest of large appropriations, and that they have inspired parties to send letters to their Representatives urging their assistance. At the same time the Director has received merited praise, both for his work and for himself, as a faithful and efficient public officer, in which praise I most cheerfully join. For my part, I rather admire the zeal of a public official who is in love with the work of his department and is desirous of imparting that zeal to others. No part of

the appropriation goes into his pocket. His zeal is impersonal and honest, as he believes in the public interest.

Whatever may be the case with others, so far as I am concerned the people of my State needed no inspiration to induce them to address me on the subject, as they had a perfect right to do. In proof of this I desire to submit as part of my remarks the following letters:

Hon. JOHN DALZELL,
House of Representatives, Washington, D. C.

MY DEAR SIR: I just learn that the sundry civil bill as reported makes a very serious cut in the amount asked for topographic survey work by the United States Geological Survey. This is a matter that very seriously affects the interests of Pennsylvania.

The appropriation is very largely used for cooperative work with the various States, the amount allotted to Pennsylvania being $20,000, the State appropriating an equal amount. Pennsylvania is not an easy State for topographic mapping, yet the results of the work can not but be pleasing to the people of the State.

The United States Geological Survey has not been able to make a larger allotment to Pennsylvania, as the entire appropriation for topographic work has been but $400,000, and this would not allow of a larger sum to this State even if the legislature would make a larger appropriation for the work on behalf of the State. The proposed reduction of $80,000 means a very serious reduction in the amount of work that can be done in Pennsylvania, for there is some work under way under the direction of the United States Survey that probably can not be cut, so that the cut for work in Pennsylvania will probably be much greater than the 20 per cent cut made in the bill as reported.

Personally, and on behalf of the commission in charge of the topographic work in Pennsylvania, I would esteem it a great favor to have you do all in your power to have the appropriations for the work of the United States Geological Survey restored to amounts asked for the work. The reduction of these amounts means the very serious loss to the efficiency of the work, the breaking up of the organization, which means a direct loss, and a postponement of the completion of the topographic mapping, which is daily becoming more valuable as the work goes on toward completion.

Can not these appropriations for the United States Geological Survey be restored to the amounts asked by the Secretary of the Interior?

Very truly, yours,

RICHARD R. HICE.

WASHINGTON, D. C., *June 4, 1906.*

Hon. JOHN DALZELL,
Washington, D. C.

MY DEAR MR. DALZELL: I desire to call your attention to the importance of keeping up the appropriation to the United States Geological Survey at least to what it was last year, and increasing the same, if possible. I do not now have either the time or ability to tell you of the immense economic importance to our country of the work of this department along the various lines of topography, geology, hydrography, testing of fuels and building materials, as well as in other lines of scientific investigation; but, as chairman of the Pennsylvania topographic and geologic commission, I beg to say that some years since I had the honor to introduce a bill in our legislature, which afterwards became a law, authorizing our State to cooperate in this work with the United States Geological Survey. At that time I confess that in our State there was little interest in the subject, but as the work has progressed and the people are learning its real economic and scientific values, the demand for it from every section is increasing so rapidly that it is impossible for us with our present appropriation to meet it. Our commission feel assured that the Pennsylvania legislature will increase its appropriation for this work at the coming session, provided the United States Geological Survey will be in position to similarly increase its apportionment to our State. This it can not do if the amount cut out by your Appropriation Committee is not replaced in the bill. The departments of health, forestry, highways, and military of our State are especially interested in the rapid prosecution of this work. So also is every civil engineer, as well as every citizen or corporation who is interested in the development of our great material resources. I know of no direction in which the expenditure of an equal amount of money has been productive of such permanent benefit to our State. At the head of this department are some of the ablest men the country affords. They are devoting their great abilities unselfishly to this work, and should have the hearty financial support of Congress. As to the actual work so far completed in Pennsylvania, not having access to my office I do not have the data at hand, but have asked H. M. Wilson, esq., to hand it to you. I feel that it is exceedingly important at this juncture that you, if possible, give this matter personal attention.

I beg to remain, very respectfully, yours,

G. W. MCNEES,
Chairman Pennsylvania Topographic and Geologic Survey Commission.

SCHOOL OF ENGINEERING,
THE PENNSYLVANIA STATE COLLEGE,
State College, Pa., June 2, 1906.

Hon. JOHN DALZELL,
House of Representatives, Washington, D. C.

DEAR SIR: After my conversation with you in Washington on the 28th ultimo I had confirmed what before had been rumored, that the items in the sundry civil bill appropriating $250,000 for the investigation of fuels and $100,000 for testing structural materials were in danger of being eliminated from the bill, or at least greatly reduced. We believe this would be most unfortunate to the people of Pennsylvania.

The work in fuel testing, which has been done under the general direction of the Geological Survey commission, is recognized by all who have given the matter any attention as being excellent; but should no further appropriation be made and the work necessarily stop, the money which has already been expended would be largely wasted. Although some results have been reached, the value of the work up to this time has been mostly in showing what may be accomplished by further investigation.

When it is remembered that the fuel of the United States by the time it is in the fire box costs the nation a billion and a half of dollars annually, an appropriation of $250,000 toward experiments looking to fuel economy is certainly a small item. The investigation carried on by the Government would produce results which would be accepted and could be used by all fuel users. Experiments of this character could be carried on only by large corporations, and if so conducted would, of course, be for their special use and the knowledge would be for them only.

With reference to the item for the investigation of structural materials, the benefits to be derived from the study of these is so great and so far-reaching that it is scarcely necessary to mention them. What is capable of being done in this direction is really not known. The character of structures best adapted to withstand fire or earthquakes is also unknown. The uses to which cement may be profitably put is a comprehensive and unsolved problem. The producers of these materials are not so much interested in the economy of the materials as are the users, and the users consist largely of the people of the United States. It seems, therefore, legitimate that the nation should carry on these investigations.

Knowing your attitude on questions of this kind which are so far-reaching in beneficial results, and the interest you have already shown in this measure, I do not hesitate to write you urging your earnest support in securing the passage of these items.

Yours, respectfully,

LOUIS E. REBER,
Dean School of Engineering.

These letters show the general interest taken in this subject apart from any influences operating from the Department. They are evidence of the real and continued and active interest of those who are familiar with the work of the Survey in the past and are interested in its successful prosecution in the future. I hope that the amendment will prevail.

Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. Mr. Chairman, I rise to call the attention of the House to the fact that no Member from the public-land States has been heard on this proposition. It was originally supposed that this survey was primarily for the benefit of those States. I also rise to ask unanimous consent that I may be permitted to address the committee for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I have asked unanimous consent to address the committee on this subject in view of the fact that during the entire discussion the fact seems to have been lost sight of that originally it was intended and expected that these topographical surveys, which are the foundation for geological surveys, should be made of the public lands and largely in the mineral regions, and I want to call the attention of the House to the fact that the map before us indicates that by far the greater portion of these surveys have been made in States that either never had any public lands or where the public lands have long since been disposed of. States that contributed nothing, or long since ceased to contribute, to the Treasury of the United States in the sale of public lands, and that but a small portion of the country west of the one hundredth meridian has been surveyed topographically since the surveys have been executed on the present scale. The gentleman from Kentucky [Mr. SHERLEY] has stated that it costs no more to topographically survey the city of Louisville than a like area out in the country, where the transit men can see for great distances, where from an elevation distances can be triangulated for miles, where mapping is much more simple, and where the surveys made, as in the case of the old Powell surveys in Utah and elsewhere, were on contour intervals of 50 feet, while the contour intervals in the city of Louisville, I assume, are a foot or two.

Mr. SHERLEY. And the additional cost is paid by the city of Louisville.

Mr. MONDELL. And I want to call the attention of the committee to the fact that, in my opinion, that is one of the evils which has grown up under this survey, a survey wisely inaugurated, a survey which, in the main, has been economically carried on, a survey which has been of great value, and I do not claim that these surveys should not be made in the city of Louisville, that they should not be made in the city of Boston. I do wish, however, to emphasize the fact that while we have for years heard discussions of this and similar items as though they were for the especial benefit of the West, and for the development of the western region, the mountain region, the public lands, as a matter of fact, the eastern and southern brethren have managed to secure the lion's share. By far the greatest proportion of the expenditure has been made in States that needed it the least, because they were the best able to make their own surveys, as evidenced by the fact that they have been able to contribute a portion of the cost of the work. I believe in these surveys. I do not complain because of their being executed in all portions of the country, but I do believe that the amount which the committee has reported is quite sufficient to carry on the work in all parts and portions of the country with reasonable speed, and I do trust that in future the West, which was originally expected to be the main beneficiary of this class of work, will at

least get a fair proportion of the expenditure. In that region are the public lands which need developing; there are the public mineral lands which should be geologically surveyed and reported upon. I make no complaint in regard to my own State. I think we have been reasonably well treated, but I do think the public domain, as a whole, has not had as large a share in this work as it should. I hope the work will go steadily on, not by fits and starts, but continuously, and I think it is most likely to do so if we do not further increase the appropriation at this time.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina.

Mr. GROSVENOR. Mr. Chairman, I would like to have the amendment read again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 101, noes 54.

Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered.

The Chair appointed Mr. TAWNEY and Mr. SMALL as tellers.

The House again divided; and there were—ayes 101, noes 55.

So the amendment was agreed to.

The Clerk read as follows:

For the preparation of the report of the mineral resources of the United States, which report shall hereafter be published in one octavo volume and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, $50,000.

Mr. SLAYDEN. Mr. Chairman, I have listened with interest to the lectures on economy to which the House has been treated this afternoon. I sympathize with all real economy, and I am under the impression that genuine economy demands that we liberally support the Geological Survey. This is one department of the Government which aids in the production of wealth, while others that gentlemen do not hesitate to support with lavish appropriations are mere consumers. If we were to spend fewer millions on an excessive naval development, which the country does not need, we would have more to spend in promoting industrial growth, which we do need.

I shall address myself to that item in the bill which has to do with a continuance of the fuel-testing plant at St. Louis. I have been more or less familiar with the work of the plant since it was inaugurated, and I believe that the economies in the consumption of coal which they have suggested is worth much more to the country than the total cost of the Geological Survey since it was established.

SOME FACTS IN REGARD TO THE HISTORY OF COAL PRODUCTION IN THE UNITED STATES TO THE CLOSE OF 1905, AND SOME ESTIMATES AS TO THE FUTURE.

It has been estimated by one of the geologists of the Geological Survey that the total original amount of coal contained in the various beds of the United States was 2,200,000,000,000 tons of 2,000 pounds, which is equivalent to about 422 cubic miles of coal. If spread over the entire coal area of the country it would make a bed averaging 6½ feet thick. I have been informed by a member of the Geological Survey that the history of coal mining in the United States shows that during the last half century the entire production of coal has been practically doubled every ten years, and at my request the following table, compiled from official sources, has been prepared. It bears out the previous statement given me. This shows also that up to the close of 1905 the total production in the United States amounted to, say, 5,980,000,000 tons. This does not include any of the coal left in the mines to support the roof or otherwise necessarily wasted. The fact is, the amount wasted is equal to about one-third of the total amount under our present conditions of mining. This production, by decennial periods, is as follows:

Coal production, by decennial periods, to the close of 1905.

	Short tons.
Total production to close of 1865	335, 865, 947
Production for decade 1866–1875	419, 425, 104
Total production to close of 1875	755, 291, 051
Production for decade 1876–1885	847, 760, 319
Total production to close of 1885	1, 603, 051, 370
Production for decade 1886–1895	1, 556, 098, 641
Total production to close of 1895	3, 159, 150, 011
Production for decade 1896–1905	2, 820, 000, 000
Total production to close of 1905	5, 979, 150, 011

From the foregoing statement I have had prepared an estimate which shows how this production of coal would continue if the proportionate rate of increase were kept up. It will be observed that there is a decreasing ratio in the decennial increase. In the following statement this ratio has been maintained, so that while, as in the preceding statement, it has been shown that the production for the decade 1876–1885 was something more than the total production to the close of 1875, the production estimated for the final ten-year period in the following table is about 55 per cent of the total production to the beginning of that decade. This statement also shows that if this rate of increase continues the entire supply will be practically exhausted in one hundred and ten years, not including the wasted production heretofore mentioned:

Estimated production by decennial periods for the future.

	Short tons.
Total production to close of 1905	5, 980, 000, 000
Production for decade 1906–1915 (90 per cent)	5, 380, 000, 000
Total production to close of 1915	11, 360, 000, 000
Production for decade 1916–1925 (85 per cent)	9, 640, 000, 000
Total production to close of 1925	21, 000, 000, 000
Production for decade 1926–1935 (81 per cent)	17, 000, 000, 000
Total production to close of 1935	38, 000, 000, 000
Production for decade 1936–1945 (77 per cent)	28, 700, 000, 000
Total production to close of 1945	66, 700, 000, 000
Production for decade 1946–1955 (73 per cent)	48, 700, 000, 000
Total production to close of 1955	115, 400, 000, 000
Production for decade 1956–1965 (70 per cent)	80, 000, 000, 000
Total production to close of 1965	196, 200, 000, 000
Production for decade 1966–1975 (67 per cent)	131, 500, 000, 000
Total production to close of 1975	327, 700, 000, 000
Production for decade 1976–1985 (64 per cent)	209, 700, 000, 000
Total production to close of 1985	537, 400, 000, 000
Production for decade 1986–1995 (61 per cent)	327, 800, 000, 000
Total production to close of 1995	855, 200, 000, 000
Production for decade 1996–2005 (58 per cent)	496, 200, 000, 000
Total production to close of 2005	1, 351, 400, 000, 000
Production for decade 2006–2015	743, 300, 000, 000
Total production to close of 2015	2, 094, 700, 000, 000

It is, of course, not to be supposed that even this decreasing ratio of increase will be maintained. I have quoted the above figures simply to show the possibilities, not probabilities. In fact, the member of the Survey to whom I am indebted for an estimate of the quantity of coal originally contained within the coal fields of the United States, states that the production may continue to increase to a maximum of about 150,000,000,000 tons per decade (an average of 15,000,000,000 tons annually), and then gradually decrease for possibly another hundred years. Both estimates, however, are startling in the extreme, particularly when it is realized that at the rate of production in 1904 (350,000,000 tons) the coal supply would last for about 5,000 years. If, on the other hand, the present ratio of increase in consumption is continued the supply will be exhausted in one hundred and ten years.

All this suggests the extreme importace of the fuel tests which for two years we have been making at St. Louis. We must find an economic way of using the fuel supply, or some day, sooner or later, we will be face to face with exhaustion of a commodity which, whatever the future may have in store for us, is now essential to the comfort and happiness of the human race.

The fuel tests conducted by scientific experts offer the only ray of hope in the way of an increased supply.

The best efficiency now obtained in the ordinary railway locomotive practice represents only about 5 per cent of the energy stored in coal. That is to say, we have to burn 20 tons of coal in our locomotives to get the power which Providence put into 1 ton.

In the stationary boiler practice we get better results, for we have managed to make available for economic purposes about 20 per cent of the energy of the coal—that is to say, in stationary boilers we only have to use 5 tons of coal to get the energy that is in one.

It has been stated by some of our best engineering authorities that only one-seventh of 1 per cent of the energy of coal is now made useful in our incandescent electric lighting.

Of course these estimates of the total supply of coal in the country may be inaccurate. Other fields of coal, the existence of which is not now suspected, may be found in the future. Those we know of may not be as extensive as we think. But whatever the amount is we can not increase it except by finding more economical methods of consumption.

It is plain that if we could learn how to use all the energy

of coal in locomotives we would, so far as that particular industry is concerned, multiply the coal supply of the country by twenty, and so on in the proper ratio with other industries. The fuel testing done at St. Louis is intended to do just exactly that thing. To an important degree it has already been successful. Take what has been accomplished in the way of an improved method of using lignite, or brown coal, for instance. It has shown to the mechanical and industrial world that a class of fuel which has heretofore been held in contempt is of vast importance. The State of Texas, except in the one article—fuel—received the favor of the Lord in a prodigal way. We have no really high-grade coal, such as is found in Pennsylvania and West Virgina, for instance. But we do have a great area of lignite deposits, and enough value has been added to these deposits by the fuel testers at St. Louis to justify every dollar of expense for the maintenance of the Geological Survey since its establishment.

The Clerk read as follows:

For the preparation of the report of the mineral resources of the United States, which report shall hereafter be published in one octavo volume and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, $50,000.

Mr. BONYNGE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 76, line 12, strike out the word "fifty" and insert "seventy-five;" so that it will read "seventy-five thousand dollars."

Mr. BONYNGE. Mr. Chairman, in the appropriation bill of last year there was appropriated for this purpose, covered by this item, the sum of $75,000.

Mr. TAWNEY. Mr. Chairman, now right there I want to state that that is not a statement of fact.

Mr. BONYNGE. I submit, Mr. Chairman, it is a statement of fact; and the gentleman, answering a question I propounded to him a short time ago, himself said that it was a fact that $75,000 was appropriated for this purpose, which included, as I was about to say, an investigation of the black sands, which is included in this item, although it is not specifically mentioned.

Mr. TAWNEY. It is not included, and it was included and appropriated for to the extent of $25,000 this present year.

Mr. BONYNGE. The item for the preparation of the report on mineral resources, including the investigation of black sands, in the appropriation bill of last year was $75,000. Later this year, in the urgent deficiency appropriation bill, it was necessary for the Appropriations Committee to appropriate another $25,000 in order to make up the deficiency.

In the hearing before the Appropriations Committee at this session relation to this item, at pages 498–499 of the hearing, the Director of the Geological Survey gave a memorandum as to the cost of preparing the report on mineral resources, and by that memorandum it was shown that the expenses for preparing this document would be in the aggregate $73,200. He gives the items on page 499. On page 505 of the hearing this year before the Appropriations Committee it was also shown that the expense of preparing this document for 1905 aggregated $74,504.75.

Now, Mr. Chairman, for more than five years past, as I recall, the sum of $50,000 has been annually appropriated for this purpose. During that time, Mr. Chairman, the aggregate of our mineral wealth has increased nearly double what it was when $50,000 was first appropriated for this purpose. It has increased from one billion dollars to nearly one billion and three-quarters, and with that growth in the aggregate of the mineral wealth of the United States the cost of preparing the pamphlet has necessarily increased, and the additional amount of $25,000 asked for is a paltry sum in comparison with the increased amount contributed by the mineral industry to the wealth of the nation. The evidence before the committee, on the statement of the Director of the Geological Survey, shows that these statistics can not now be gathered together and this work done for less than $73,000, and that it has cost in the past more than $50,000.

So I submit, Mr. Chairman, that in asking for this increase we are simply asking for an amount which the testimony before the committee developed was necessary to be appropriated in order that this document might be prepared. It is one of great value. We are appropriating large amounts of money for the development of the agricultural resources of the country and for gathering together information relative to the development of our agricultural resources, publishing farmers' bulletins, and other documents of great value to the farmer. No one finds fault with the appropriations made for those purposes. It is also important that the statistics relative to the development of the mineral wealth of the country should be collected and published for the information of the people.

This is a document of very great value to those interested in the mining industry of this country, and we are merely asking for a paltry increase of $25,000, in order that this work may be properly carried on. I hope that the committee will adopt the amendment.

Mr. TAWNEY. Mr. Chairman, I want to correct a statement which the gentleman made in closing, that this involved an increase of only $25,000. Such is not the fact. There was $50,000 appropriated for the report on mineral resources for the fiscal year 1905. When preparing this appropriation for the fiscal year 1906 it was represented that at the Oregon Exposition they could conduct this inquiry into the location of black sands, and investigate their value, with the machinery that would be loaned to them by exhibitors at that exposition.

These facts prompted the committee to recommend an appropriation of $25,000, which amount was included in the appropriation for report on mineral resources. Now, they came to us at the beginning of this session and said that that $25,000 was appropriated for that specific purpose, in connection with the $50,000 appropriated for the Report on Mineral Resources, and that the work could not be completed with that appropriation, that to complete it would require $25,000 more. We gave them $25,000 more, and that $50,000 for the investigation of black sands the Geological Survey now proposes to attach here as a permanent appropriation. For what? Nothing that relates to the development of mineral resources. The development of mineral resources is not involved in this appropriation. It means merely the collection of statistics with reference to the mineral products of the various mines throughout the United States. Why is it so valuable? Who wants this information? Why, Mr. Chairman, this information is collected by the agencies——

Mr. SULLIVAN of Massachusetts. I should like to ask the gentleman if he has any idea of the great number of tons of paper that are printed on this subject that are never opened or looked at at all.

Mr. TAWNEY. I do not know, but I presume that the Committee on Printing could give the gentleman some information on that subject. Or if any Member of this House would go to the folding room, I presume he would find hundreds and hundreds of books entitled "Mineral Resources" lying there undistributed, containing information as to the products of the mines of the country. This appropriation is to pay for collecting information concerning production. In addition to it there is an appropriation of some $68,000 for printing the report after the statistics are collected.

Mr. UNDERWOOD. If the gentleman from Minnesota will allow me, my district may be different from others, but I want to say that I always have requests for all the reports on the mineral resources of the United States that I get.

Mr. TAWNEY. I haven't any doubt but that they are of great value to the colleges and institutions of learning and to those especially interested in the growth and development of the mineral resources of the country, but what I want to make clear to the House is the fact that this appropriation does not relate in any way to the development of the mineral resources of the country. This appropriation is for the purpose of collecting statistics. An appropriation of $50,000 is all that they have ever had for that purpose, and that is what the Committee on Appropriations has recommended.

The appropriation has been $50,000 since 1900. Prior to that time it was $30,000, $20,000, $18,000, and $10,000. In 1891 it was only $10,000. Since that time this Bureau, under these ambitious gentlemen of the Geological Survey, has taken in a number of other scientific gentlemen engaged in this work, and if there is any additional amount needed it is because of their employment. We are giving them as much as they have ever had for this purpose. Now, the $50,000 which they had in addition to this during the present fiscal year is the $50,000 appropriated for the investigation of black sand, which was a new subject, and when we appropriated the last $25,000 we provided that the $25,000 appropriated should complete this investigation. There is absolutely no necessity for this increase of $50,000, which is double the amount that has heretofore been appropriated for this service.

Mr. BONYNGE. The gentleman does not mean that we are asking to double the appropriation?

Mr. TAWNEY. I do say that you are proposing to double it.

Mr. BONYNGE. No; we are only adding $25,000.

Mr. TAWNEY. I now yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I wish to ask the gentleman a question along the line of my interrogatory some time ago—whether or not the committee went thoroughly into the details in regard to the expenditure under this head, and are

satisfied that the sum provided is sufficient to meet the increased and growing demands of the country?

Mr. TAWNEY. I will say that the committee did go into the matter very thoroughly, so thoroughly that we had a conference with the Director of the Mint and Doctor Day, who has this particular branch of the service of the Geological Survey under his charge.

Mr. MONDELL. This is a very important report, but I do not think we ought to appropriate more than is necessary.

Mr. TAWNEY. You are appropriating as much when you give them $50,000 as they have ever had for collecting the statistics in the report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILEY of New Jersey. Mr. Chairman, I wish to correct the statement made by the chairman of the Appropriations Committee as to the investigation of black sand. I have the report of the last investigation, and it is "An investigation of the properties of black sand: A combination of other methods of treatment; to which is appended a list of the localities where they occur and the proper methods of treatment of each separate section of black sand."

Mr. TAWNEY. Let me ask the gentleman——

Mr. WILEY of New Jersey. The gentleman refused to yield to me, and now I will refuse to yield to him. I am entitled to five minutes and I insist on the full use of my time. To stop the appropriation for the Mineral Resources means the loss of much time and the sacrifice of samples awaiting the tests which have been hauled by the railroads free of charge from various points in the far West.

Mr. MONDELL. Mr. Chairman, the report provided for by this appropriation is an exceedingly important one. The gentleman suggests that it has no relation to the development of the mineral resources of the country.

Mr. TAWNEY. I say it is not the basis of the mineral development.

Mr. MONDELL. The gentleman says it is not the basis of the mineral development, and I admit that. This report does, however, aid, in my opinion, to a considerable extent in developing the mineral resources of the country. The publication of this report of the mineral products of the various States and Territories, of the localities in which minerals are found, the extent of the deposits, and other detailed information given in the report is of great value, and does aid, in my opinion, very considerably in the development of the mineral resources of the country. I understand that the gentlemen of the Geological Survey, in the hearings before the committee, insisted that their detailed statement of the estimated expenditure for the preparation of this work stated the very least sum with which the work could be properly prepared under the conditions now existing, and that was, I am told, a trifle less than $75,000.

Mr. TAWNEY. That detailed expenditure included the black-sand investigation at Portland.

Mr. WILLIAMS. If the gentleman from Wyoming will allow me, the gentleman says that included the black-sand investigation. I want to say from my somewhat inadequate knowledge, that one of the most important things the Government is doing is the black-sand investigation.

Mr. MONDELL. That is true; that work is important, and no doubt this report will contain information on the investigation of the black sands that has been made, and in my opinion, taking into consideration the growth of the mineral products of the country, the discovery of new minerals, the opening of new mineral regions and of many new producing mines in widely scattered areas, this appropriation must necessarily increase gradually.

The fact that there has been no increase in the appropriation for five or six years is the best argument for the increase at this time, in view of the very great increase in the mineral production of the country in the last few years.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and on a division (demanded by Mr. BONYNGE) there were—ayes 29, noes 47.

So the amendment was rejected.

The Clerk read as follows:

For the purchase of necessary books for the library, including directories and professional and scientific periodicals needed for statistical purposes, $2,000.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil bill and had come to no resolution thereon.

KINGS MOUNTAIN BATTLE GROUND.

The SPEAKER laid before the House the bill (H. R. 17983) providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces, with a Senate amendment thereto.

Mr. WEBB. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

CLINTON COUNTY, IOWA.

The SPEAKER laid before the House the bill (H. R. 18330) transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa, with a Senate amendment thereto.

Mr. DAWSON. I move that the House concur in the Senate amendment.

The motion was agreed to.

BUSINESS BY UNANIMOUS CONSENT.

The SPEAKER. The Chair desires to state that he has requests from a number of Members about matters that ordinarily are passed by unanimous consent—bridge bills. Is it the sense of the House that they be disposed of now?

Mr. WILLIAMS. Mr. Speaker, it is now 25 minutes after 5 o'clock, and we met this morning at 11. I think that after 5 o'clock is a very bad time for the House to consider matters of unanimous consent. Paradoxical as it may seem, the Speaker, I think, will agree with me that it is easier to pass a bill by unanimous consent than it is by vote of the House, and unanimous consents ought not to come after 5 o'clock.

The SPEAKER. Objection is made.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Wait a moment, Mr. Speaker. I have no objection to its being done, with the understanding that the gentleman from Minnesota will attempt to rise by 5 o'clock to-morrow.

Mr. TAWNEY. Mr. Speaker, the gentleman from Mississippi knows very well that in the handling of a bill like the sundry civil bill one can not always fix definitely the time.

Mr. WILLIAMS. It was for that reason that I put it that he would try to rise.

Mr. TAWNEY. I shall try.

Mr. WILLIAMS. Of course if the gentleman tries hard enough he can do it. I understand now this evening that we were in the midst of a little debate on a question, and it was very difficult for the gentleman to cut it short, but I hope that the spirit of that idea will be carried out.

The SPEAKER. The Chair desires to state that there are many conference reports, as the Chair is informed, ready for action. Of course it is only a friendly understanding. The Chair does not understand that there is a hard-and-fast agreement that the House will adjourn at 5 o'clock.

Mr. OLMSTED. Only that the committee will rise.

Mr. WILLIAMS. I understand that in spirit the gentleman will rise by 5 o'clock. After that, matters will come up before the House in the regular way.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Minnesota, and it is so ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. AIKEN to withdraw from the files of the House, without leaving copies, the papers in the case of John F. Lathem (H. R. 8475, Fifty-ninth Congress), no adverse report having been made thereon.

LIGHT-HOUSE ESTABLISHMENT.

Mr. MANN. Mr. Speaker, I present a conference report on the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, together with a statement of the conferees for printing under the rules.

The SPEAKER. The conference report and statement will be printed under the rule.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1812. An act for the relief of Lieut. James M. Pickrell, United States Navy, retired—to the Committee on Naval Affairs.

S. 6256. An act to authorize the Lake Schutte Cemetery corporation to convey lands heretofore granted to it—to the Committee on the Public Lands.

S. 5418. An act relinquishing the title of the United States to certain land in the city of Pensacola, Fla., to James Wilkins—to the Committee on Public Buildings and Grounds.

S. 3469. An act to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,'" approved July 27, 1892—to the Committee on Pensions.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. R. 172. An act to supply a deficiency in an appropriation for the postal service.

STATEHOOD BILL.

Mr. HAMILTON. Mr. Speaker, I desire to present conference report on the bill (H. R. 12707) entitled "An act to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States," together with a statement of the conference for printing under the rule.

The SPEAKER. The report and statement will be printed under the rule.

Then, on motion of Mr. TAWNEY (at 5 o'clock and 28 minutes p. m.) the House adjourned until 11 a. m. to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, with a copy of a letter from the Secretary of War, an estimate of appropriation for pay of Philippine scouts—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John B. Atchison and Clifton E. Atchison, heirs of estate of Jane Elizabeth Rodes, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12869) to revise and amend the United States Statutes relating to the commitment of United States prisoners to reformatories of States or Territories, reported the same with amendment, accompanied by a report (No. 4921); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 6243) to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," reported the same without amendment, accompanied by a report (No. 4923); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10702) to enable the United States to secure the exclusive use and possession of all lands within the present boundaries of the Fort Wingate Military Reservation in the Territory of New Mexico, and for other purposes, reported the same with amendment, accompanied by a report (No. 4924); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16659) to remove the charge of desertion against Tobe Holt, reported the same with amendment, accompanied by a report (No. 4922); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following bills were introduced and severally referred as follows:

By Mr. LITTAUER: A bill (H. R. 20172) to amend the patent laws for designs—to the Committee on Patents.

By Mr. BURNETT: A bill (H. R. 20173) to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric-light and power plant—to the Committee on the Public Lands.

By Mr. MARTIN: A bill (H. R. 20174) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891—to the Committee on the Public Lands.

By Mr. CLARK of Missouri: A bill (H. R. 20175) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. WELBORN (by request): A bill (H. R. 20176) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: A bill (H. R. 20177) granting condemned cannon for war monument at Trenton, N. J.—to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 20178) in relation to the Washington Market Company—to the Committee on the District of Columbia.

By Mr. RODENBERG: A bill (H. R. 20179) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: A bill (H. R. 20180) to provide for the investigation of controversies affecting interstate commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20181) to establish an agricultural experiment station in the Second Congressional district of the State of South Carolina—to the Committee on Agriculture.

By Mr. GRIGGS: A bill (H. R. 20182) to place linotypes, composing machines, and their parts on the free list—to the Committee on Ways and Means.

By Mr. SHERMAN: A joint resolution (H. J. Res. 175) granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States—to the Committee on the Library.

By Mr. LAFEAN: A resolution (H. Res. 580) authorizing the Committee on Naval Affairs to investigate the action of the Navy Department in certain matters—to the Committee on Rules.

By Mr. FITZGERALD: A resolution (H. Res. 582) increasing compensation of the special messengers—to the Committee on Accounts.

By Mr. CASSEL: A resolution (H. Res. 583) for the appointment of a clerk to compile the laws, decisions, and practice relating to the contingent fund of the House—to the Committee on Accounts.

Also, a resolution (H. Res. 584) relating to the contingent fund of the House—to the Committee on Accounts.

Also, a resolution (H. Res. 585) authorizing payment of approved accounts for reporting committee hearings out of the contingent fund of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 20183) granting an increase of pension to Catherine Way—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 20184) for the relief of Dennis Sexton—to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 20185) granting an increase of pension to Joseph T. Woodward—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20186) for the relief of Benjamin F. Busick—to the Committee on Claims.

Also, a bill (H. R. 20187) granting an increase of pension to John J. Duff—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 20188) granting an increase of pension to John H. McCain—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 20189) granting an increase of pension to Thomas W. Daniels—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 20190) granting an increase of pension to John W. Scott—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 20191) granting an increase of pension to James P. Mowland—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20192) granting an increase of pension to Andrew J. Gitchell—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 20193) granting an increase of pension to Christopher Young—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 20194) granting a pension to Mary Shearer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20195) for the relief of the legal representatives of the estate of Martin Preston, deceased—to the Committee on War Claims.

By Mr. KELIHER: A bill (H. R. 20196) to provide relief for those whose property was damaged by the firing of high-power guns at Forts Heath and Banks, Boston Harbor, Massachusetts—to the Committee on Claims.

By Mr. MACON: A bill (H. R. 20197) for the relief of the estate of Q. K. Underwood, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20198) granting an increase of pension to Mary E. Maddox—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 20199) granting an increase of pension to Joseph N. Cadieux—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 20200) for the relief of the estate of Philip Housen, deceased—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 20201) granting an increase of pension to Charles W. Airey—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 20202) granting an increase of pension to William R. Browne—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 20203) granting a pension to Polly H. Daniels—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 20204) granting an increase of pension to Robert Boyd—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 20205) granting an increase of pension to Zane Smith—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Mrs. M. D. Ellis, superintendent National Woman's Christian Temperance Union, Washington, D. C., against sale of liquor in Government buildings and National Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

Also, petition of M. P. Hocker, secretary Permanent Committee on Temperance, Steelton, Pa., against liquor selling in Government buildings and National Soldiers' Homes—to the Committee on Alcoholic Liquor Traffic.

By Mr. BEALL of Texas: Paper to accompany bill for relief of J. C. Lankford—to the Committee on War Claims.

Also, paper to accompany bill for relief of James Pierce—to the Committee on Pensions.

By Mr. BIRDSALL: Petitions of H. P. Root, Dover, Iowa, and George W. Myers, Alexandria, Iowa, et al., for a pure-food law and Federal inspection of slaughtering and packing business—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of Joseph Grosner, New York, favoring admission to this country of an unlimited number of healthy, able-bodied men whose work is needed for upbuilding the country—to the Committee on Immigration and Naturalization.

Also, petition of M. P. Hacker and William H. Anderson, against liquor selling in or on all Government premises, National Soldiers' Homes particularly—to the Committee on Alcoholic Liquor Traffic.

By Mr. GROSVENOR: Letters and telegrams protesting against passage of eight-hour law from the following cities: Toledo, Ohio; Rome, N. Y.; Columbus, Ohio; Cincinnati, Ohio; Providence, R. I.; New York, N. Y.; San Francisco, Cal.; Rochester, N. Y.; Cleveland, Ohio; Fostoria, Ohio; Grand Rapids, Mich., and Salem, Ohio—to the Committee on Rules.

By Mr. HEDGE: Petitions of R. W. Newell, Wapello, Iowa, Alex. Hamilton, Newport, Iowa, J. L. Williams, Mount Hamill, Iowa, J. T. Overton, Overton, Iowa, and C. H. Abel, Mediapolis, Iowa, for a pure-food law and Federal-inspection law of meat packing—to the Committee on Interstate and Foreign Commerce.

Also, petition of Leon Daily, of Columbus Junction, Iowa, in favor of pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: Papers to accompany bill granting a pension to Mary Shearer, blind and dependent daughter of William Shearer—to the Committee on Invalid Pensions.

By Mr. MARTIN: Petition of Black Hills District Medical Society, against amendment to pure-food bill favoring manufacturers of proprietary medicines—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of Paul C. Phares and L. M. Warner, for an amendment to post-office rules and regulations making legal all paid paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of North Carolina: Paper to accompany bill for relief of Sarah Salmon—to the Committee on Pensions.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Mary E. Maddox—to the Committee on Pensions.

By Mr. PATTERSON of Tennessee: Petition of many practitioners of dentistry in Nashville, Tenn., against certain clause in bill S. 2355, relative to reorganization of corps of dental surgeons of Medical Department of Army—to the Committee on Military Affairs.

Also, petition of Business Men's Club of Memphis, Tenn., asking retention of marine hospital at Memphis—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Lewis Holt—to the Committee on Military Affairs.

By Mr. SCHNEEBELI: Protest of B. S. Mayer, of Bethlehem, Pa., against passage of eight-hour law—to the Committee on Labor.

Also, petition of railway employees of Leighton, Pa., protesting against adoption of conference report on rate bill prohibiting granting of passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

Also, petition of club women in convention, asking favorable action on pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of railway employees of Mauch Chunk, Pa., protesting against adoption of report on rate bill prohibiting granting of passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Kentucky: Papers to accompany bill (H. R. 14151) for the relief of William J. Ashley—to the Committee on Invalid Pensions.

By Mr. SMYSER: Petition of wage-workers of Chicago, for passage of bill H. R. 18752 (by Mr. PEARRE)—to the Committee on the Judiciary.

Also, petition of E. Z. Hayes, of Warsaw, Ohio, and M. C. Julian & Son, Newcomerstown, Ohio, for amendment to section 14, chapter 180, act of Congress of March 3, 1879, relative to paid newspaper subscriptions, making all of same legal—to the Committee on the Post-Office and Post-Roads.